





# L A W S

OF

A G E N E R A L N A T U R E,

P A S S E D A T T H E

T W E N T Y - F O U R T H S E S S I O N

OF

T H E G E N E R A L A S S E M B L Y

OF THE

S T A T E O F I N D I A N A,

C O M M E N C E D A T I N D I A N A P O L I S,

O N M O N D A Y, T H E S E C O N D D A Y O F D E C E M B E R,

1839.

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B Y A U T H O R I T Y.

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I N D I A N A P O L I S:

J. Livingston, Printer.

1840.



# LAWS

OF A

## GENERAL NATURE.

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### CHAPTER I.

AN ACT making general appropriations for the year 1840.

(APPROVED FEBRUARY 24, 1840.)

*Be it enacted by the General Assembly of the State of Indiana,* That there be appropriated for the expense of the General Assembly, including the pay to Members, Secretaries, Clerks, Sergeant-at-Arms, Doorkeepers, Fuel, together with all other expenses incidental to the present session of the General Assembly, forty-six thousand dollars; printing and distributing the laws and journals fifteen thousand dollars; contingent and specific appropriations, six thousand dollars; judiciary nineteen thousand dollars; probate judges thirty-five hundred dollars; executive officers four thousand dollars, State prison twelve hundred dollars; State Library four hundred dollars; State House two thousand dollars.

General appropriations for 1840.

This act to be in force from and after its passage.

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### CHAPTER II.

AN ACT making specific appropriations for the year 1840.

(APPROVED FEBRUARY 24, 1840.)

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the principal and assistant secretaries of Allowance to principal clerks &c.



the Senate, and the principal and assistant clerks of the House of Representatives, be each allowed the sum of four dollars and fifty cents for each day, that they may have served as such during the present session.

To enrolling clerks'

SEC. 2. That the enrolling Secretary of the Senate and the enrolling Clerk of the House of Representatives, be each allowed the sum of three dollars and fifty cents for each day that they may have served as such, during the present session.

To sergeant-at-arms.

SEC. 3. That the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives, be each allowed the sum of three dollars for each day that they may have served as such, during the present session.

To door-keeper

SEC. 4. That the Door-keeper of the Senate and the Door-keeper of the House of Representatives, be each allowed the sum of three dollars for each day that they may have served as such, during the present session.

To assistant door-keepers.

SEC. 5. That the assistant Door-keepers of the Senate and of the House of Representatives, be each allowed the sum of two dollars and fifty cents for each day that they may have served as such, during the present session.

To president of senate for postage.

SEC. 6. That the President of the Senate be allowed the sum of five dollars for postage paid on public communications during the present session.

To T. P. Baldwin.

SEC. 7. That Thomas P. Baldwin be allowed the sum of three dollars per day, for twenty-five days service as clerk to the bank committee.

To J. Soule jr.

SEC. 8. That J. Soule, jr., be allowed the sum of three dollars per day for eight day's services as clerk to the committee on canals and internal improvements.

Witnesses before the bank committee.

SEC. 9. That the following persons be each allowed the sum of three dollars per day as witnesses attending the bank committee, to-wit: E. Deming, eleven days; J. A. Liston, fourteen days; H. Chapin, thirteen days; Elijah Coffin, six days; Hugh McCullough, thirteen days; D. R. Donnihue nine days; G. W. Rathboud, nine days; A. B. Fontaine, six days; John Sering, nine days.

T. P. Baldwin.

SEC. 10. That Thomas P. Baldwin be allowed twelve dollars for four day's services as clerk for a select committee.

William A. Bowles.

SEC. 11. That William A. Bowles be allowed five dollars for cash paid for postage on communications directed to the bank committee during the present session.

James Fisler.

SEC. 12. That James Fisler be allowed three dollars for one day's services as Door-keeper at the commencement of the present session.

Bazil Brown.

SEC. 13. That Bazil Brown be allowed three dollars per day for one day's service in summoning witnesses before a

select committee, and four day's services in preparing State House for the present session.

SEC. 14. That Samuel Judah be allowed ten dollars and thirty-eight cents for postage paid on communications directed to the select committee on the currency.

SEC. 15. That the Treasurer of State be allowed nine hundred and fifty one dollars and eighty seven cents for disbursements on account of the State House, for the year 1839, as certified and allowed by the committee on public buildings, on his filing with the Auditor the said certificate and vouchers accompanying the same.

SEC. 16. That David Stodgill be allowed twenty-six dollars and twenty-five cents for hauling up wood and attending at the State House as per agreement with the Treasurer of State.

SEC. 17. That the Speaker of the House of Representatives be allowed three dollars for postage paid on public communications during the present session.

SEC. 18. That John Lee, Sergeant-at-Arms of the House of Representatives, be allowed eleven dollars and seven and a half cents for postage paid by him on letters sent from the different branches of the State Bank, and also for summoning witnesses before the bank committee by deputy.

SEC. 19. That Levi Wright and John Early be allowed the sum of two hundred and seventy-two dollars for arresting and bringing to justice a fugitive, who had fled to the State of Tennessee, and for other services, and for money expended in said case.

SEC. 20. That Michael Shae be allowed one dollar per day during the time he has been employed in drawing up wood and splitting the same for the House.

SEC. 21. That Pike Hand be allowed six dollars for assisting in preparing the House at the commencement of the session.

SEC. 22. That John O'Conner be allowed one dollar per day for splitting and drawing up wood during the present session.

SEC. 23. That the following allowances be made in accordance with a resolution of this House: To Espy and Sloan for coffin \$25; to Smock, Wood, & Co. store goods \$6 12 $\frac{1}{2}$ ; to Miss Bennett for making shroud \$1 50; to William Harlin carrying deceased home \$30.

SEC. 24. That Milton McPhetridge be allowed fifteen dollars for services as agent for the saline funds in Monroe county for the year 1839.

SEC. 25. That it shall be the duty of the Treasurer, upon satisfactory proof presented to him, of services having been rendered in the winter of '33 '39, and not yet paid



by two orphan boys, the sum of \$2 50 per day for the services so rendered; *Provided*, That said services jointly rendered shall not exceed fifteen days.

Auditor's salary. SEC. 26. That the whole amount of the Auditor's salary as now allowed by law shall hereafter be audited and paid at the Treasury, as the accounts of other State officers.

S. C. Wilson. SEC. 27. And that Samuel C. Wilson be allowed eighteen dollars and sixty-seven cents for prosecuting the pleas of the State from the fifth day of December 1839, in the first judicial circuit.

J. Cole and E. S. Hawley. SEC. 28. That Jesse Cole be allowed twelve dollars for tax paid State Treasurer by mistake, and that E. S. Hawley be allowed thirty-four dollars and eighty-four cents for money improperly paid into the State Treasury.

Sampson Leatherman. SEC. 29. That Sampson Leatherman be allowed thirty dollars for services during the present session of the General Assembly.

### CHAPTER III.

AN ACT to amend an act entitled an "act to provide for an equitable mode of levying the taxes of this state approved February 8, 1836.

[APPROVED, FEBRUARY 6, 1837.]

Bankstock subject to taxation. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all stock in any of the branches of the state bank of Indiana, other than that owned by the state of Indiana, shall be subject to the same ratio of taxation as other capital, not exceeding one per cent. including the twelve and a half cents set apart on each share as a permanent school fund, and the said tax shall only be assessed on such portion as shall have been paid, and on account of which the stockholder shall not be indebted to the state.

Where assessed. SEC. 2. The said stock shall be assessed to the stockholders, in the county where they shall reside, except in cases of stock owned by non-residents of this state, in which case the stock shall be assessed in the county in which the branch bank is located, to such non-resident stockholders, and the cashier of such branch bank shall furnish the assessor with the name of each non-resident stockholder and the amount of taxable stock so held, to be by said assessor placed under the head of "corporation stock" on his assessment roll.

SEC. 3. All notes and bonds on solvent persons, all bills of exchange, checks, drafts, or certificates of deposit, <sup>Notes, &c. may be taxed.</sup> provided said notes, bonds, bills, checks, drafts, or certificates have been purchased with money, (except such as are purchased by any corporation, the capital of which is taxed by this act or the act to which this is an amendment) shall be considered as cash on hand or money loaned at interest, and they shall be so assessed.

SEC. 4. For the purpose of aiding in raising a revenue for county purposes, the board doing county business, shall levy and collect in the manner provided for assessing and collecting the revenue by an act approved February 10th, 1831, on each license for retailing spirituous liquors, not less than fifteen nor more than one hundred dollars; on each license to vend foreign merchandize or foreign and domestic groceries, five dollars for one thousand dollars of foreign merchandize or foreign and domestic groceries, and two dollars and fifty cents for each additional one thousand dollars: *Provided however*, That it shall not exceed, on any license to vend merchandize or foreign and domestic groceries, twenty dollars; on each license to vend wooden clocks, not less than fifty nor more than one hundred dollars, and the license so obtained shall not authorize more than one person to vend wooden clocks under such license; and that each agent vending wooden clocks, shall be considered a principal and shall be compelled to procure a license; on each travelling caravan, managerie, or other collection of animals, or show of wax figures or circus exhibited to the people for money, not less than thirty nor more than fifty dollars, for each day's exhibition; on each ferry, not less than two nor more than twenty dollars; and so much of the above recited act as is necessary to enable the board to enforce the collection of the amount of said license, be, and the same is hereby declared to be in force.

SEC. 5. On failure of the board doing county business of any county to appoint an assessor or assessors at their January term in each year, as is provided in the third section of the act to which this is an amendment, it shall be the duty of the clerk on such failure, within ten days after the day at which said board should have met, to appoint an assessor or assessors for such county, and the assessors thus appointed, shall have the same powers, perform the same duties, and be subject to the same liabilities, and qualify in the same manner, as if the appointment was made by the board.

SEC. 6. That so much of the 4th section of the act to which this is an amendment, as requires the clerk on failure or refusal of any assessor to appear and qualify within ten days after his appointment as such, to issue a summons <sup>Repeal.</sup>



to the board doing county business, to meet and appoint an assessor in his place, and so much of the same section as provides for a like notification of the board doing county business in the event of any assessor dying or becoming unable by bodily infirmity or any other cause, to complete his assessment, be, and the same is hereby repealed, and it shall be the duty of the clerk of such county in all such cases, to fill any such vacancy within ten days after the same occurs, and such appointments shall be as valid as if made by the board, and the assessor so appointed, shall qualify in the same manner as is provided for in relation to assessors appointed by the board.

Repeal. SEC. 7. That so much of the 5th section of the act to which this is an amendment, as requires the clerk of each county to prepare for the assessor a list of all taxable lands, except a list of such lands as shall become subject to taxation for the first time and forwarded to him by the auditor of public accounts, be, and the same is hereby repealed, and it shall be the duty of the clerk to furnish such additional list to the collector, and also upon the receipt of such list from the auditor of public accounts, to enter the same in the proper places in the tract book of his office.

Clerk shall make out duplicate. SEC. 8. That so much of the 21st section of said act as requires the clerk of each county to make out complete and perfect duplicates of the assessment rolls or tax lists from the assessments returned by the respective assessors, be, and the same is hereby repealed, and hereafter it shall be the duty of the clerk of each county, within twenty-one days after the perfection of the assessment rolls, to make out one complete and perfect list of the assessments in each county in alphabetical form, dividing the same into civil townships and noting in the same alphabetical order between residents, and non residents of such civil townships, and all assessors in their returns to the board, shall preserve the same alphabetical order and the same distinction as to residents and non-residents.

Repeal. SEC. 9. That so much of the 25th section of said act as provides that twelve and a half cents of each poll tax collected for state purposes, be paid by the collector to the treasurer of each congressional township or fractional township, and all the 27th section of said act which provides for a deduction of five per cent. on the gross amount of state revenue for purposes of education, be, and the same is hereby repealed.

Am't of tax to be levied. SEC. 10. For purposes of state revenue for the year 1837, and each subsequent year until otherwise directed by law, the boards doing county business in the several counties in this state, shall at their May term, fix the per centum to be levied and collected on all property real and personal made taxable by this act or the act to which this

is an amendment, at fifteen cents on each one hundred dollars of valuation thereof, and the said boards shall at the same time levy and assess for purposes of State revenue, on each male inhabitant over the age of twenty-one and under the age fifty years, fifty cents; and for the purposes of county revenue, they shall at the same time, on all property made liable to taxation by this act or the act to which this is an amendment, in like manner fix any per centum by them deemed necessary on each one hundred dollars valuation thereof, all of which amounts so levied shall be collected as is provided for in the act to which this is an amendment.

SEC. 11. That one third part of the nett amount of the State revenue derived from taxable property, shall be set apart and appropriated to the discharge of the interest on the State bonds issued for the purposes of internal improvement. That the auditor shall, on the first day of January, 1838, and annually thereafter, audit to the fund commissioners the amount so set apart as aforesaid. How appropriated.

SEC. 12. That the Treasurer of State be, and he is hereby authorized, if in his opinion the exigencies of the treasury shall require it, to negotiate in behalf of the State, a temporary loan not to exceed twenty thousand dollars, and in the event of his making such loan, it shall be his duty to certify the same to the auditor of public accounts, who shall charge in the proper books of his office the amount thereof, the account of receipts by said Treasurer. Treasurer may make loan.

SEC. 13. All the act to provide for an equitable mode of levying the taxes of this State, approved February 8, 1836, which is not expressly repealed by this act, shall be, and the same is hereby declared to be in as full force as if this act had not passed.

SEC. 14. This act to take effect and be in force from and after its passage.

#### A JOINT RESOLUTION on the subject of the Revenue.

*Be it resolved by the General Assembly of the State of Indiana, That an act entitled "an act to amend an act to provide for an equitable mode of levying the taxes of this State, approved February 8, 1836; approved February 6, 1827," be, and the same is hereby continued in force for the term of one year. And it is hereby made the duty of the Secretary of State, to cause to be printed one hundred copies of said act and this joint resolution, and forward them to the several clerks of the circuit courts, to be by*



them filed in their respective offices. This joint resolution to be in force from and after its passage.

#### CHAPTER IV.

AN ACT to amend an act entitled "an act relating to public roads and highways, approved February 17, 1838."

[APPROVED FEBRUARY 24, 1840.]

Damages, how  
assessed and  
paid

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That if any person or persons through whose land any State or county road may be laid out, shall feel injured thereby, such person or persons may make complaint thereof to the board doing county business, at any time between the session of the board at which the report of said road is made, and the second day of their next stated session; and the said board shall appoint three disinterested freeholders of the county, whose duty it shall be, after having taken an oath or affirmation to discharge their duty faithfully and impartially, to proceed and view said road the whole distance the same may have been located through the premises of the complainant or complainants, and assess and determine how much less valuable the land or premises of the said complainant or complainants has been or will be rendered, by the opening of said road; and they shall report the same in writing to the board doing county business, at their next meeting thereafter; and if said board shall be satisfied that the amount so assessed and determined be just and reasonable, and that said road will in their opinion, be of sufficient importance to the public to justify the payment of the damages by the county, they shall order the same to be paid the petitioner or petitioners from the county treasury; but if in the opinion of the viewers the said road is not of sufficient importance to the public, to justify the payment of the damages by the county, they shall so report, and said board shall refuse to establish the same a public highway, unless the damages and expenses are paid by the persons petitioning for said road. Or if the viewers believe the complainant or complainants will sustain no damage by the opening of such road, they shall so report, and the complainant or complainants shall pay all the expenses of such review.

Viewers to report.

SEC. 2. That it shall be the duty of every supervisor to

order out every person in his district, subject to labor on roads and highways for personal privileges, to work two days between the fifteenth day of May and the first day of July annually; and he shall also require all persons resident in his district, to work out all the road tax on them severally assessed, before the first day of October annually, on the public roads and highways within his district; and if any such resident, being personally warned by the supervisor, or by leaving a written notice at his place of abode, or by some person under the direction of the supervisor, by whom such warning can be proven, shall refuse or neglect, having had at least three days' notice, to attend by himself or substitute, to the acceptance of the supervisor, on the day and at the place and time directed by the supervisor; or having attended, shall refuse to obey the directions of the supervisor, or shall spend the time in idleness and inattention to the duties assigned him; every such delinquent shall forfeit and pay for each day he shall so refuse or neglect to attend, or for any of the offences above specified, the sum of one dollar and twenty-five cents, to be recovered and expended in the manner prescribed in the act to which this is an amendment: *Provided*, however, that such supervisor shall receive as a commutation for each such delinquency as aforesaid the sum of seventy-five cents, if the same be paid or tendered at any time before suit is brought for the recovery thereof.

Roads, when to be worked.

Persons refusing to work, how liable.

SEC. 3. That the proviso to the thirty-ninth section of the act to which this is an amendment, is hereby so amended that supervisors shall not have power to call out the hands allotted them exceeding twice the amount of the personal and road tax provided for by this act, and the act to which this is an amendment, except as herein otherwise expressly provided.

Proviso to 39th section of road law amended.

SEC. 4. In all cases where any road or roads, in any road district, shall become impassable by the falling of timber, the washing away or destruction of bridges, or from any other cause whatever, it shall be the duty of the supervisor of the district, on being informed thereof, forthwith to order out a sufficient number of the hands in his district, to place such road or roads in passable repair; and if there should be no road labor due from the persons so called out, it shall be the duty of the supervisor to give each person a certificate of the amount of services by him so rendered, and such certificate shall operate as a complete discharge for so much labor as it may call for, in whosoever possession the same may be. And in all cases contemplated by this section, one day's notice shall be deemed and taken to be a lawful notice.

Roads, how repaired.

SEC. 5. It shall be the duty of each supervisor to furnish



Clerks to make  
out certificate  
of road tax.

the clerk of his county, on or before the twentieth day of June annually, a complete list of the individuals liable to pay tax in his road district, particularly specifying those who are the owners of real estate in his district; whereupon the clerk shall make out a list of the road tax assessed on each person in such supervisor's district, and deliver the same to the said supervisor, whose duty it shall be to have the same worked out on the roads and public highways, or collected according to law. And for the purpose of giving non-residents an opportunity to work out their road tax, said clerk shall add to said list the amount of road tax charged on each non-resident tract of land in such supervisor's district.

Proviso.

*Provided, however,* That where any person's road tax does not amount to twelve cents, said clerk shall not be required to add such person's tax to the list aforesaid.

Persons removing from one district to another.

SEC. 6. That in case any person shall remove from one road district to another, who has, prior to such removal, performed the whole or any part of the labor required of him by this act or the act to which this is an amendment, or in other respects has paid the whole or any part of the amount aforesaid, in lieu of such labor, and shall produce a certificate of the same from the supervisor of the proper district, such certificate shall operate as a complete discharge for the amount therein specified.

How required to work.

SEC. 7. And should any person remove from one district to another as aforesaid, without being able to produce the certificate required; it shall be the duty of the supervisor to compel such person to perform the same amount of labor that he would have been compelled to perform, had he been a resident of the district at the commencement of the year: *Provided* nothing herein contained shall be so construed as to authorize any supervisor to call out any person to perform road labor, that becomes an inhabitant of his road district after the first day of November in each year, if such person has emigrated directly from any other State.

Allowance to supervisors.

SEC. 8. That the boards doing county business in the several counties in this State, be, and they are hereby authorized and required to make to supervisors of public roads and highways, in their respective counties, for their services as supervisors, an allowance at the rate of seventy-five cents per diem, taking into consideration only such services as they shall necessarily have performed over and above what would have been required of them, had they not have been supervisors of the public roads and highways; which compensation shall be paid out of the county treasury. And said boards are also hereby required to

make said allowance to supervisors for services rendered during the past year.

SEC. 9. The boards doing county business shall, at the same time they make a levy of taxes for county purposes, also fix the per centum necessary to be levied for road purposes, which shall not be less than five cents, nor more than twenty cents on the hundred dollars' valuation on all property made taxable by the revenue laws now in force, to be worked out or collected in the manner prescribed by this act, and the act to which this is an amendment.

Tax for road purposes to be levied.

SEC. 10. Whenever a vacancy shall occur, from any cause whatever, in the office of supervisor in any road district; on being informed thereof, it shall be the duty of the board doing county business when in session, and the duty of their clerk in vacation, to appoint some suitable person to fill such vacancy until the next annual election.

Supervisors, how appointed to fill vacancies

SEC. 11. Who ever shall obstruct any highway, or shall fill up or place any obstruction of any kind whatever, in any ditch constructed for conducting the water along or from any highway, shall forfeit and pay for every such offence, any sum not exceeding ten dollars.

Persons liable for obstructing roads.

SEC. 12. In every case where a highway shall be laid out, and the same has been, or shall be encroached upon by fences erected by any occupant of the land by or through which such highway runs, the supervisor of the district shall order such fences to be removed, so that such highways may be of the breadth originally intended, and shall also give notice in writing to the occupant of the land, to remove such fence or fences within sixty days; and every such notice shall specify the breadth of the road originally intended, the extent of the encroachment, and the place or places in which the same may be: *Provided, however,* no person shall be required to move any fence, under the above provisions, except between the first day of November and first day of April in each year; and, *Provided further,* That if such occupant has erected his or her fence or fences prior to the location of such road or highway, and shall make no claim for damages to the board doing county business, it shall be the duty of the supervisor to give such occupant so removing any fence from the limits of any new road so located a credit for one day's work on his liability to work on roads, for every day necessarily employed in making such removal.

Fences, how removed.

Proviso.

SEC. 13. Should any such person, after having been duly notified, as provided for in the foregoing section, fail, refuse, or neglect to remove any such fence or fences, within the time required; it shall be the duty of such supervisor, to cause the same to be removed in the same man-



ner that all other obstructions to roads are required to be removed.

Applications  
for State roads,  
how made.

SEC. 14. Applications to the legislature for the location, change or vacation, of any State road, shall be made by petition, signed by at least twenty-four freeholders in each county in which such location, change or vacation is desired, (twelve of whom shall be of the immediate vicinity) specifying the proposed beginning, course and termination thereof. And notice of each such intended application shall be given by written advertisements, posted up in three or more of the most public places in the vicinity of such proposed location, change or vacation, at least twenty days prior to the time of forwarding such petition; and wheresuch proposed location, change or vacation shall be desired in more than one county, a like notice shall be given in each; and the affidavit of any person or persons endorsed on such petition, by any officer legally authorized to take the same, setting forth that such petition contains the requisite number of signers, as above required, and that the notice has been given as herein prescribed, shall be deemed and taken to be sufficient evidence of the legality of such petition.

Repeal.

SEC. 15. All acts and parts of acts coming within the purview of this act, or contravening any of its provisions be, and the same are hereby repealed.

This act to be in force from and after its publication.

## CHAPTER V.

AN ACT appointing Surplus Revenue Agents for the year 1840.

[APPROVED FEBRUARY 24, 1840.]

Agents appoin-  
ted.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the following persons be, and they are hereby appointed agents, for loaning and managing the surplus revenue for one year, and until their successors are appointed and qualified, from the first day of March, 1840, to which period the present Agents are authorized to act as such.

Allen county	-	Joseph Morgan
Adams "	-	John K. Evans
Bartholomew county	-	Joshua Sims

Boone	"	-	Addison E. Lane
Brown	"	-	Wm. Taggart
Clark	"	-	Peter Smith
Clay	"	-	John B. Nees
Crawford	"	-	Simon Monk
Carroll	"	-	H. J. Harris
Cass	"	-	Wm. T. Stuart
Clinton	"	-	John H. Dunn
Dearborn	"	-	Charles W. Wright
Decatur	"	-	A. R. Forsyth
Davis	"	-	Wm. L. McCutcheon
Dubois	"	-	Daniel Harris
Delaware	"	-	James Hodge
Elkhart	"	-	John Cook
Fayette	"	-	Samuel Reese
Floyd	"	-	Robert Downey
Franklin	"	-	John Wynn
Fountain	"	-	George Shockey
Fulton	"	-	Anthony F. Smith
Gibson	"	-	John Hargrove
Green	"	-	John Jones
Grant	"	-	Isaac Bedsaul
Hamilton	"	-	Nathaniel Hall
Harrison	"	-	Arthur Vance
Hendricks	"	-	Wm. L. Matlock
Henry	"	-	Martin L. Bundy
Hancock	"	-	John Milroy
Huntington	"	-	George A. Fate
Jackson	"	-	Hugh A. Finly
Jefferson	"	-	William Hendricks, jr.
Jennings	"	-	Alanson Andrews
Johnson	"	-	Gilderoy Hicks
Jay	"	-	Robert L. Hewit
Knox	"	-	Charles Polke
Kosciusko	"	-	Peter L. Runyand
Lawrence	"	-	A. H. Donahue
La Grange	"	-	Selden Martin
La Porte	"	-	John Brown
Madison	"	-	John Davis
Marion	"	-	John Elder
Martin	"	-	Caleb Rhinehart
Monroe	"	-	John McCorkle
Montgomery	"	-	Wm. S. Gailey
Morgan	"	-	James Crawford
Miami	"	-	Benjamin Hinton
Marshall	"	-	Samuel D. Taber
Noble	"	-	Abraham Pancake
Orange	"	-	Alexander Morris
Owen	"	-	Isaac Teal



Parke	"	-	John P. Sunderland
Perry	"	-	John Elder
Pike	"	-	Thomas C. Stuart
Posey	"	-	Ezekiel Kite
Putnam	"	-	Isaac Mahon
Porter	"	-	Philander A. Paine
Randolph	"	-	Wm. M. Way
Ripley	"	-	David P. Shook
Rush	"	-	Findley Bigger
Scott	"	-	James V. White
Shelby	"	-	Royal Mahew
Spencer	"	-	Wm. B. Pierce
Sullivan	"	-	Abraham Snapp
Switzerland	"	-	John F. Dufour
St. Joseph	"	-	John McCullough
Steuben	"	-	Darrick Roberts
Tippecanoe	"	-	Matthias Peterson
Union	"	-	Joseph Anderson
Vanderburgh	"	-	Nathan Rowley
Vermillion	"	-	William H. H. Scott
Vigo	"	-	Wm. McFadden
Warrick	"	-	Wm. Smith
Washington	"	-	Elijah Newland
Wayne	"	-	Jehiel R. Lampson
Warren	"	-	John Lowrey
White	"	-	George A. Spencer
Wabash	"	-	D. Richard
Lake	"	-	Joseph P. Smith
DeKalb	"	-	Samuel Widney
Blackford	"	-	Eli Rigdon
Wells	"	-	Colins Bennet
Whiteley	"	-	Jesse Long

Moneys may be  
reloaned.

SEC. 2. That the said agents are hereby authorized to reloan to any borrower or borrowers said fund, upon the same consideration and restrictions as to other persons.

This act to be in force from and after its passage.

## CHAPTER VI.

AN ACT for the immediate relief of contractors and others engaged on the public works.

This act was filed in the office of the Secretary of State, on the 15th day of February, 1840, without the approval of the Governor, he having retained it in his possession more than six days.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Auditor of Public Accounts be directed to procure to be engraved two neat and appropriate plates, for treasury notes of State, one of the denomination of five dollars, and one of fifty dollars, and that so soon as such plates can be procured, he shall cause to be struck off, on good bank note paper, an amount of treasury notes equal to the aggregate amount due contractors and others, upon estimates and certificates heretofore made, and including those ordered to be made, under the joint resolution of the General Assembly, approved Dec. 21st, 1839: *Provided,* that the amount of treasury notes so issued, shall not exceed \$1,500,000 for or on account of the prosecution of the public works in Indiana; one half of the amount of the treasury notes to be issued, shall be of the denomination of five dollars, and the other of the denomination of fifty dollars: *Provided, however,* That if our fund commissioner now in the city of New York, or any other commissioner or agent we may hereafter send there or elsewhere, shall be or become able to procure, (without the further sale of State bonds,) sufficient money to pay our contractors on the public works, before the said treasury notes shall be executed and issued, then the same shall not be issued, but the said contractors shall be paid as heretofore.

Plates to be  
procured, and  
treasury notes  
to be issued.

SEC. 2. That it shall be the duty of the Auditor to fill up, (except the date, and the name of the person to whom they may be issued,) and number, countersign and register said treasury notes, and to deposit the same with the Treasurer of State, taking his receipt therefor, which he shall file in his office, and charge said Treasurer in his books with the amount so delivered. And it shall be the duty of the Treasurer to sign and cause the treasury notes so received from the Auditor to be registered in his office.

Duty of auditor  
and treasurer.

SEC. 3. Said treasury notes shall be made payable to the order of him in whose favor the same may be issued, all of the denomination of five dollars in one year from the date thereof, and all of the denomination of fifty dol-

When and how  
redeemed.



lars in two years from the date thereof, with interest at the rate of six per cent. per annum, but may be redeemed sooner, if it shall be the pleasure of the State; of which contingency notice shall be given by the Treasurer of State, and such treasury notes as shall not be presented for payment at the treasury within sixty days, after such notice given in the public papers, printed at the seat of government, shall cease to draw interest: the Treasurer in giving the above notice, shall state the amount and number of notes he can redeem, giving the first issue the preference.

Notes, how  
paid out.

SEC. 4. That so soon as such treasury notes shall be prepared, and deposited with the Treasurer as aforesaid, it shall be the duty of the Auditor of Public Accounts, from time to time, on the requisition of the fund commissioners, to issue his warrant on the Treasurer for such amount as said fund commissioners may require to be paid in said treasury notes, which, when received by said commissioners, shall be paid out on the respective lines of public works on the draft of the acting commissioner, accompanied with the certificate of the engineer, to said contractors, one half in notes of the denomination of five dollars, and the residue, (as nearly as can be done,) in notes of the denomination of fifty dollars, in the same manner as payments to contractors have heretofore been made. *Provided*, That it shall be the duty of the fund commissioners to keep a register of the number of the treasury notes, the name of the person to whom paid, and which name, together with the date of the issue, they shall fill in said treasury notes, and make report monthly to the Auditor and Treasurer of State, who shall carry the name of the person to whom each treasury note is issued into their respective registers, opposite its proper number, and likewise the date of issue in its proper column. *And provided also*, That the retained per centage authorized to be ascertained, under the provisions of the aforesaid joint resolution, shall not be certified by the board of internal improvement, or the claim of any contractor or contractors be paid by the fund commissioners, or by any other person unless such contractor or contractors shall first agree to suspend all further operations on his or their contract, until authorized to renew the same by authority of the Legislature. *And be it further provided*, That nothing herein contained shall be so construed as to prevent the expenditure of such small sums as may be necessary to protect, or save from dilapidation or waste, any portion of the public works. *Provided further*. That in the absence of the fund commissioners, it shall be the duty of the Treasurer of State to pay out said treasury notes, under the provisions of this act.

*Provided further*, That if any contractor shall consent to relinquish, that the board of internal improvements be hereby authorized to pay him any damages he may sustain by such relinquishment, in the way of preparations for the prosecution of his contract; and to ascertain the amount of damages to be paid, it shall be the duty of the board of internal improvement to select some person on behalf of the State, the contractor wishing to relinquish to choose another, and these two shall select a third man, each of whom shall take an oath, or affirmation, that he will hear and determine the matter referred, according to the best of his knowledge and ability, and that he is not of kin to such claimant, or directly or indirectly interested in the matter at issue, and that such claimant or claimants are not indebted to such arbitrator, which three shall constitute the board of assessment for that particular case, reserving the right to either party to appeal to the circuit court, as heretofore provided by law, in cases of damage, by the act providing for a general system of internal improvement. *And provided further*, That the contractors on the Wabash and Erie Canal are exempt from the provisions aforesaid, but that it is hereby made the duty of the board of public works to progress with that work as fast as the same can be done with its own legitimate funds. *And provided further*, That nothing in this act contained shall authorize the board of internal improvements to use or appropriate the interest accruing from the sale of the Wabash and Erie Canal lands heretofore sold, to the further prosecution of said work.

Damages to  
contractors.

SEC. 5. That the first means which may be obtained from the sale of the interest of the State in any lots, property, or debts due from banks, or other securities in the eastern cities, are hereby set apart and appropriated to the redemption of said treasury notes: That is to say, said five dollar treasury notes shall be receivable for State taxes in the year 1840, and the fifty dollar treasury notes shall be receivable in State taxes for the year 1841: *Provided*, That any amount of said five dollar notes which may be outstanding after the expiration of the year 1840, and any amount of said fifty dollar treasury notes which may be outstanding after the expiration of the year 1841, shall be receivable for State taxes due the State at any period thereafter. *And provided further*, That in case said debts and real estate cannot be converted into available funds for the redemption of the principal and interest of said treasury notes, then the fund commissioners shall sell bonds of State for cash for the redemption of the same, so that said notes shall be promptly redeemed at the expiration of the time they have to run. *And provided further*, That it shall

Receivable for  
taxes.



be the duty of collectors, when receiving said treasury notes for revenue, to allow interest for the same, to the first day of November, the year they may receive the same, and the Treasurer of State shall allow the collector, on payment of such notes into the treasury, interest on the same to the same date.

Bank authorized to redeem the notes.

SEC. 6. That it shall be the duty of the Treasurer of State, should he receive from the fund commissioners any money or moneys, for the redemption of said treasury notes, before the expiration of the time they have to run, to deposit the same in the State Bank of Indiana: *Provided*, The branches of said bank will undertake to redeem the same, with the funds so deposited, when presented, and provided the exchange is saved to the State. *And provided further*, That it shall be the duty of the treasurer, to apply, or cause to be applied, the funds he may receive for the redemption of such treasury notes, first to the redemption of the five dollar notes, and then to the fifties. And any officer or agent of the bank or banks, who shall purchase any of these notes, for a less sum than their face, with the funds so deposited, shall be subject to all the penalties of the ninth section of this act.

Register to be prepared.

SEC. 7. The registers to be prepared for registering said treasury notes in the offices of the Auditor and Treasurer, shall be in tabular form, with appropriate columns for the entry of the numbers, amounts, names of persons to whom issuing, the date of issue, the cancelling and date of being cancelled; and it shall be the duty of the treasurer to enter as cancelled, opposite its appropriate number, in his register, each treasury note redeemed; and shall, once in three months in company with the Auditor, (who shall also enter in his register, the word cancelled, and date thereof of each such cancelled treasury note, in its appropriate place,) compare such cancelled treasury notes, with the entries in their registers, and if found correct, said notes shall be cancelled and filed away in the treasurer's office.

Bond.

SEC. 8. That the Auditor and Treasurer of State, and fund commissioners shall, upon the reception of said treasury notes, forthwith execute bonds as additional security to the State, conditioned for the safe and punctual discharge of the additional duty imposed upon them by the provisions of this act, said bonds to be executed and approved in the same manner as their original bonds of office.

SEC. 9. That if any person engaged in the collection of the State or county revenue, or in the receipt or disbursement thereof, shall directly or indirectly purchase any such treasury note, for a less sum than is expressed upon its

face, such person shall, upon conviction before a justice of the peace, or upon presentment or indictment, in the circuit court, be fined in any sum, not less than the amount of such note.

SEC. 10. That it is hereby made the duty of the officers paying out said treasury notes on claims of State creditors, to allow interest on claims or certificates, without distinction between those issued to contractors, and those issued to other rightful claimants.

SEC. 11. That the sum of five hundred dollars be, and the same is hereby appropriated to carry into effect the provisions of this act, to be paid out of any money in the treasury not otherwise appropriated.

SEC. 12. This act to take effect and be in force in each county in this State, from and after a printed copy of the same may be filed in such county. And the Secretary of State is hereby directed to have a copy of this act forwarded, as speedily as possible, to each of the clerks of the several circuit courts for filing as aforesaid.

## CHAPTER VII.

AN ACT to authorize the qualified voters of this State to vote for or against a convention for a revision of the constitution of this State.

[APPROVED FEBRUARY 22, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be, and is hereby made the duty of the inspectors and judges of elections, in the several townships within each county in this State, at the annual election, on the first Monday in August next, to open a poll, in pursuance of the eighth article of the constitution of this State, in which shall be entered all the votes given for and against a convention; and the clerks of the circuit courts are hereby required, when they make out poll books for the inspectors of elections, to extend two additional columns for that purpose. And for the purpose of more expressly calling the attention of the people of the State, to the propriety of voting for or against said proposed convention, it is hereby made the duty of the several sheriffs in this State, to give six-weeks public notice, in a newspaper, if one is published in his county; if not, by written notices, in all the townships in said county, in writing,

Polls to be opened.

Sheriff shall give notice.



calling on the people to vote for or against a convention; and that, in the language of the present constitution, there will not be a convention called unless a majority of all the votes given at such election, shall be in favor of a convention; and urging the people to vote for or against said convention, and setting forth in said notice, that said voting for or against said convention, is in obedience to the constitution of this State, and that the people of their respective counties will not have the right to vote for or against another convention for the space of twelve years.

Manner of voting. SEC. 2. It is hereby made the duty of the inspectors and judges aforesaid, at the time they announce the name of the voter to their clerks, to put the question in the following words: "Are you in favor of calling a convention, or not?" And the clerks of said election shall enter the votes on the poll-books, in the proper column, accordingly; and the inspectors and judges shall certify the votes given for and against a convention, to the clerks of the circuit courts respectively, in the same way and manner, and under the same restrictions and penalties that votes for State and county officers are required to be certified.

Returns, how made. SEC. 3. It shall be the duty of the clerks of the circuit courts throughout this State, to certify and make returns of all the votes given for or against a convention, to the Secretary of State, in the same way and manner that votes given for governor and lieutenant governor are required by law to be certified, and subject to the same penalties for a neglect of duty. It shall be the duty of the Secretary of State to lay before the next General Assembly, on the second Monday in December next, all the returns by him received, pursuant to the provisions of this act.

## CHAPTER VIII.

### AN ACT for the better regulation of the militia of the State of Indiana.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the militia of this State shall be divided into two classes; those in the first class shall consist of all white male inhabitants over the age of eighteen years, and under thirty years of age, shall be called

and styled the active militia of the State, and shall be bound to perform all the duties that are now required by law to be performed by the militia, and in case of failing or refusing, shall be subject to the same penalties as are now provided by law. Militia divided into classes.

SEC. 2. That all white male inhabitants above the age of thirty and under forty-five years of age, shall be considered the sedentary militia, and shall not be bound (in time of peace) to perform militia duty; but in order that the distinction may not produce any difficulty, there shall be a list made by the commandant of companies, of all sedentary militia, a copy of which shall be filed with the commandant of the regiment, and shall be by him preserved; and in case of invasions or war, they shall be called into active service, and shall be under the same restrictions in all respects as the active militia. Sedentary militia.

SEC. 3. That the act entitled, "an act for the encouragement of education," be, and the same is hereby repealed, as far as "paying the sum of one dollar to the proper agent of the seminary fund of his county, or the school commissioner, by persons bound to perform military duty, and thereby being exempt from the same for one year. But hereafter all fines and forfeitures assessed, and collected, (conscientious fines excepted) shall be for the use of the regiment from which such fines are collected, to be appropriated to such purposes as the field officers of said regiment may deem for the promotion of said regiment." Repeal.

SEC. 4. It shall be the duty of each regimental court of appeals to designate some justice of the peace, residing in the bounds of the proper company, to collect the fines not remitted by said court of appeals, and the judge advocate of each regiment, shall make out two fair lists of the names of all persons fined in their respective companies, whose fines have not been remitted by the regimental court of appeals, with the amount of fines assessed against each individual, which list shall be certified, signed and sealed by the president of such court of appeals, and attested by the judge advocate, and by him delivered to the pay-master of the regiment, to be by such pay-master kept, to enable him to settle with the justice who may be appointed collector, for the use of those who may be concerned in the same; the list thus delivered into the hands of such justice of the peace, and the list thus filed, shall be considered prima-facie evidence of debt, and shall be so construed by the justice before whom any such suit may be instituted. J. P. to collect fines.

SEC. 5. That any justice of the peace receiving such list of fines, shall issue his summons against such delinquents, issued. Summons to be issued.



and proceed to collect the same, as other debts in civil cases are collected, and should there be no justice of the peace in the bounds of such organized company, then the list of fines shall be placed in the hands of the nearest justice to said company.

Notice.

SEC. 6. Before any justice of the peace shall proceed to the collection against any delinquent returned to him, he shall post up in three of the most public places in the company where such delinquents reside, a correct list of the names of all persons fined in said company, together with the amount of fines so left with him for collection, at least twenty days before the issue of a summons, and the persons fined may come forward within such time, and pay the said justice the amount of such fine so assessed by the board, and such justice shall receipt to him for the same.

SEC. 7. That all conscientious fines collected under this act, shall be paid over to the State Treasurer as is directed by the act to which this is an amendment.

Light companies, how organized.

SEC. 8. *Be it further enacted*, That when any volunteer artillery, or light company, shall be raised and elect their officers, under such name as they may adopt, they shall then by such name be a body politic, and corporate, and by that name shall have power and authority to contract and be contracted with, to sue and be sued, to plead and be impleaded, in any court of law and equity; to make, have and use a common seal; they shall have power to elect their own officers, to make, ordain, establish, and enforce such rules and by-laws, not inconsistent with the constitution and laws of the United States, or of this State, as they may deem necessary to the welfare of said company, and to do all other acts in pursuance thereof necessary for the prosperity and good government of the same.

Officers to be commissioned.

SEC. 9. All officers of such company shall be commissioned by the Governor of the State, and all resignations shall be made as now directed by law, to the proper officer of the regiment or brigade, and all elections for officers in such companies shall be held at such time and place as may be directed by the company, due notices having been given, at least ten days prior to said election, by the commandant thereof.

Fines, how collected.

SEC. 10. Such company shall have power to assess and collect such fines for non-attendance on the parades or drills, or meetings of such companies, not exceeding three dollars per day, and such fines for deficiency in equipments, not exceeding one dollar for each article, as may be established in the by-laws of said company; they shall also have power to expel from such company or punish

by fine not exceeding five dollars for all contempts, or disorderly conduct, or disobedience of orders, or unsoldierlike conduct while on parade, or at any meetings of said company, and all fines sued for by said company in their corporate name, shall be collected by any justice of the peace or other court having competent jurisdiction.

SEC. 11. Such company shall be subject to the civil power, and ready when called on by the same to aid in quelling and suppressing all riots and insurrections, which may happen in the county in which they may be organized. Subject to the civil powers.

SEC. 12. All fines collected by such company shall be for the exclusive use of the same, and may be applied to procuring colours, instruments of music, camp-equipage, or for teaching marshal music and such other purposes as a majority of said company may direct. Fines, how applied.

SEC. 13. That when the regiment, within the bounds of which such company is situated, shall meet to perform military duty, according to the laws of this State; such company shall be required to drill and parade at the regimental and battalion musters, or such other musters as is required by law, in addition to the drills and parades ordered by such company.

SEC. 14. That to enable such company to carry into effect the provisions of the seventh section of this act, they are hereby authorized and empowered to organize within themselves such courts as may be necessary to take cognizance of all delinquencies, contempt and disobedience of orders, and unsoldierlike conduct on the part of any member of said company.

This act to take effect and be in force from and after its passage.

## CHAPTER IX.

AN ACT prescribing a uniform mode of ascertaining by weight the quantity of the different kinds of grain that shall pass for a standard bushel in this State.

[APPROVED FEBRUARY 17, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That sixty pounds of merchantable wheat (avordupois weight) shall be given and taken in all contracts for that article, for a standard bushel; fifty-six Weight of each kind of grain to the bushel.



pounds of merchantable rye shall be given and taken as a standard bushel; fifty-six pounds of merchantable corn shall be given and taken as a standard bushel; forty-eight pounds of merchantable barley shall be given and taken as a standard bushel; and thirty-three pounds of merchantable oats shall be given and taken as a standard bushel.

Shall be taken  
as a standard  
bushel.

SEC. 2. That all the different kinds of grain specified in the first section of this act, shall hereafter be given and taken at the several rates affixed to each, as the standard bushel, and as such shall be considered a legal tender to fulfil any contract hereafter made for the delivery of either of the kinds of grain specified in this act.

This act to take effect and be in force from and after its publication in the papers of this place.

## CHAPTER X.

AN ACT to amend an act entitled "an act for the protection of the Madison and Indianapolis rail road, approved February 14, 1839."

[APPROVED FEBRUARY 17, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That if any person or persons shall wantonly or maliciously derange or misplace any fixture, or any part of the machinery of a locomotive or stationary engine, engine-house or car, used or employed on the Madison and Indianapolis rail road, or shall put in motion any machine, engine, car, or other vehicle upon or belonging to said rail road, without the consent of the person having the charge of the same, or shall injure any thing properly belonging to said road; such person shall, upon conviction thereof, forfeit and pay to the State, not less than one nor more than one hundred dollars, together with the amount of damages caused by such offence, with costs of prosecution, recoverable by action of debt, in the name of the State of Indiana, before any court having competent jurisdiction.

Penalty for in-  
juring road.

SEC. 2. That if any person shall, without the consent of the person having charge of the rail-road, either lead, drive or ride, or cause to be rode or driven, any horse, ox, or mule, or other animal on such rail road, or upon the embankments or excavations of the same, or over any

bridge belonging thereto, except at places proposed for the crossing of the rail road, such person or persons shall, for every such offence, forfeit and pay to the State not less than one, nor more than twenty dollars, recoverable by action of debt as aforesaid; the second and third sections of the above named act be, and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

## CHAPTER XI.

AN ACT to prohibit the issuing or circulating of small notes, commonly called "shin plasters."

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circulating and issuing of small bills, issued by individuals, companies, or corporations in this State, payable to bearer, or any other person, or institution, for the purpose of passing such as a circulating medium, or as a substitute for small bank notes, is hereby prohibited; and the constituted authorities of any city, town corporate, or association, or firm, or individual, who shall issue or cause to be issued, any small bill of the above description, and for the above purpose, shall, for each such offence, forfeit and pay double the amount of each bill thus issued, to be recovered by an action of debt, in the name of the State of Indiana vs. the authority of the city, town corporate, or association, or firm, or individual, as the case may be, before a justice of the peace, one half of which shall be paid to the informer when collected; the other half shall be paid into the proper county treasury.

Small bills pro-  
hibited.

Penalty.

This act shall be in force from and after its publication.



## CHAPTER XII.

AN ACT providing for selecting, rating and selling lands yet due, on the Wabash and Erie Canal, east of the mouth of the Tippecanoe River, and for other purposes.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That as soon as the lands along the line of the Wabash and Erie Canal, east of the mouth of the Tippecanoe River, lately acquired by the United States of the Miami Indians, extending back five miles therefrom or further, shall be surveyed, it shall be the duty of the Governor to appoint and associate with the acting commissioner on the Wabash and Erie Canal, not more than two competent persons, whose duty it shall be to examine said lands carefully, and ascertain the particular lands to which this State is yet entitled, on said canal, east as aforesaid of the mouth of the Tippecanoe River, under the provisions of an act of Congress of the 2d March 1827, granting a certain quantity of lands to the State of Indiana, for the purpose of constructing that portion of said canal. That said commissioner or persons thus appointed and associated with said commissioner, shall personally examine said lands, and where Indian reserves include lands that would otherwise fall to the State as heretofore selected, they shall proceed to select others of the most valuable lands belonging to the United States in the alternate sections, or from other lands near thereto, belonging to the United States, in lieu thereof, and report their selections to the Secretary of the Treasury of the United States, and generally to select all lands due on said eastern portion of said canal as first aforesaid, and to make proper plats, maps and descriptions thereof as heretofore required by law to be done when former selections of lands for said canal were ordered.

SEC. 2. It shall be the duty of the Governor to correspond with the commissioner of the general land office, and solicit a confirmation of said selection; and should he consider it proper, he may direct said selections first to be reported to him by the persons making the same; and thereupon, to be reported to the Secretary of the Treasury of the United States; that all lands due for said canal east of the mouth of the Tippecanoe River, in this State, may be ascertained and set apart without further delay, and as speedily as possible; and that all proper

expenses incurred under the provisions of this act, shall be paid out of the first moneys received from the sale of any of said canal lands.

SEC. 3. And it shall be the duty of said commissioner, with one or more of said assistants, to ascertain the quantity and quality of said land by personal examination as aforesaid, and class them into three classes, as first, second and third qualities, as was required to be done by the first section of an act entitled "an act regulating the sale of canal lands and for other purposes, approved January 31, 1832." The classing and rating said lands now to be selected to be perfected in manner as was required to be done by other canal lands by said first section of said act: *Provided, however,* That said lands now to be selected and classed, shall be rated as follows: The first class to be rated at seven dollars per acre, the second at five dollars per acre, and the third class at three dollars per acre; and in all future sales, no tract of said lands shall be sold for a less sum than the value so affixed: *And provided further,* That one-fourth of the purchase money shall be paid in hand at the time the purchase is made, and the interest in advance on the balance of the purchase money; and the one-fourth more of said purchase money in one year thereafter, and the remaining half in ten years from the date of purchase, with interest in advance as aforesaid, at the rate of six per cent. per annum, the sale of said lands and the payment of said interest to be governed in all respects as heretofore provided by law in relation to canal lands heretofore sold, except as herein excepted and provided for.

SEC. 4. The public sale of said canal lands shall be commenced and held at Peru in Miami county, on the first Monday of October, A. D. 1840, or so much thereof as shall have been selected and rated as aforesaid, and the sales be made under the provisions of the law now in force, relating to the sale of canal lands, except such portions of them as are, or may be repealed by the passage of this act; the classing and rating of said lands to be made previous to the first of September next.

SEC. 5. So soon as all the lands classed as aforesaid shall have been offered to the highest bidder, at the sale aforesaid, the residue which shall then remain unsold, shall be subject to entry, as was provided for in the third section of the said act regulating the former sales of canal lands, approved January 31, 1832, at the rated prices as classed and stipulated in this act.

SEC. 6. A sufficient amount of the first proceeds of said lands and loans heretofore authorized for said Wabash and Erie Canal, are hereby appropriated, and shall be

Lands to be classed.

Proviso.

Lands, how sold.

When & where to be sold.

Unsold land subject to entry

Commissioners to be appointed

Lands, how selected.

Report.

Governor to correspond with commissioner of general land office.



applied to the speedy completion of said canal, as heretofore directed by law, and that the balance of the work yet to be done on said eastern portion of said canal in this State, may be finished if practicable the next season.

Repeal.

SEC. 8. So much of the provisions of the law relating to the canal lands, or sales thereof, or any other lands, as come within the purview of this act be, and they are hereby repealed.

This act to be in force from and after its passage.

### CHAPTER XIII.

#### AN ACT for the relief of settlers on the Wabash and Erie Canal lands.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons actually residing on any of the Wabash and Erie Canal lands, before the first day of December, 1839, not heretofore offered for sale, and which have been or may hereafter be selected, for the prosecution of said canal, or its extension below the mouth of the Tippecanoe river, shall be entitled to the actual cash value of their improvements as hereinafter provided.

Settlers shall have land at cash price.

SEC. 2. It shall be the duty of the person or persons appointed to appraise and rate said land, to appraise and rate the same without reference to any improvement thereon; and every such settler, to receive the benefits of this act, shall establish to the satisfaction of the commissioner, or the officer authorized to superintend the sale of said land, the actual cash value of said improvements made by him or them on any tract or tracts of said land, by two or more disinterested witnesses under oath, who must testify from actual view of the premises, at any time before the day of sale thereof, which evidence may be taken before said commissioner, or any other person superintending such sale, who is hereby authorized to administer all oaths required by this act.

Duty of appraisers.

SEC. 3. The evidence contemplated by this act shall, in every case, be committed to writing, properly sworn to, and subscribed by the persons testifying, and be certified under the hand and seal of the officer before whom the same was taken, and carefully filed away in the office where said land may be subject to sale; on which the

Evidence shall be committed to writing.

persons filing the same, shall be entitled to a certificate from said commissioner, if he be satisfied that the value as proved is correct, in which the gross value of improvements shall be set forth, together with a full description of the tract or tracts of land on which the same may be located.

SEC. 4. Should the person or persons to whom any such certificates may have been issued, become the purchaser or purchasers of such land at the sale, at a higher price than the minimum thereof, he or they shall be entitled to a credit on such purchase, as for cash paid, to the amount of such certified value of improvements: *Provided*, That it shall not reduce the purchase money to a sum below the aggregate of the minimum fixed on such land; but in that case, shall only be entitled to a credit as aforesaid equal to the excess over such minimum.

Persons purchasing at more than minimum price to receive credit.

SEC. 5. Should any person become the purchaser of said land at the sale, or any time thereafter, on which any such improvements are situated, other than the owner or owners of such improvements, such purchaser shall not be entitled to a certificate of purchase or other evidence of title, until he or they either produce the certificate issued to the owner of the improvement situated thereon, receipted in full, or else in addition to the purchase money deposits in the office where such land is subject to sale, the sum established as the value of such particular improvements, which money so deposited shall be paid over by such officer to the proper order or demand of the owner of such improvements, such order or demand to be accompanied by the certificate of value issued under this act, which shall be cancelled and filed away; or in case of its being lost, satisfactory proof of the fact shall be required, and such proof filed away in place of the proper certificate, and the money paid over thereon.

No person shall purchase, &c. conditional.

SEC. 6. The officer superintending the sale of said canal lands, shall keep a proper register of all the claims for improvements, established as required by this act, giving in each case the name or names of the claimant or claimants, with the description of the tract or tracts on which such improvements are situated, number of acres and value of improvements, dated and numbered, in the order in which proof may have been submitted, and at the same time, place an appropriate mark on the township plat, to show the tracts on which such improvements are situated; and the certificates to be issued under this act, shall correspond with said register.

Officer superintending, &c.

SEC. 7. Said officer shall prepare proper blanks with checks to be filled to correspond with the certificates contemplated by this act, and on the return of such certi-

Officer prepare blank.



cates, they shall each be carefully compared with its proper check, cancelled and filed away as herein before provided.

**Officer's fees.** SEC. 8. Said officer shall be entitled to the following fees, to be paid by the owners of improvements, for his services under this act, to wit: To each certificate issued fifty cents; for each affidavit required by this act, twenty-five cents; and for every hundred words testimony taken, ten cents.

This act to take effect and be in force from and after its publication.

## CHAPTER XIV.

AN ACT to prohibit the amalgamation of whites and blacks.

[APPROVED FEBRUARY 24, 1840.]

**No negro man shall marry a white woman.** SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter no negro man, mulatto, or any man having one-eighth part of negro blood, shall be permitted to marry any white woman of this State; nor shall any white man be permitted to marry any black woman, mulatto, or any woman having one-eighth part of negro blood.

**No clerk shall issue license.** SEC. 2. No clerk of this State shall issue any marriage license to any such persons named in the first section of this act, under pain of a fine of not less than five hundred, nor more than five thousand dollars for each offence, to be recovered by presentment or indictment in the proper circuit court. And said offence shall work a forfeiture of his office.

**All marriages null and void.** SEC. 3. All such marriages, as are prohibited by this act, shall be null and void.

**Penalty for aiding or abetting** SEC. 4. Each and every person who shall aid, counsel, abet, or in any manner be known to assist in any such marriage as is by this act prohibited, shall be subject to a fine of not less than one hundred nor more than one thousand dollars, to be recovered as aforesaid.

**Penalty for person marrying.** SEC. 5. Each and every person who shall marry in contravention to the provisions of this act, shall be subject to a fine of not less than one thousand, nor more than five thousand dollars, and be confined in the State's prison for not less than ten nor more than twenty years.

SEC. 6. Any officer of this State, or minister of the gospel, who shall celebrate the bands of matrimony in cases prohibited by this act, shall be subject to a fine, if a minister, of not less than one thousand nor more than ten thousand dollars, to be recovered as aforesaid; and if an officer, he shall be subject to a fine of not less than five hundred nor more than five thousand dollars, to be recovered as aforesaid, and such offence shall work a forfeiture of his office. Penalty for any officer joining in marriage such persons.

SEC. 7. This act shall be in force from and after its publication in the Indiana Journal and Democrat, and it is hereby respectfully requested that each and every newspaper in this State publish this act free of charge, that the world may know our laws upon this subject. When to be in force, &c.

## CHAPTER XV.

AN ACT to provide for taking the enumeration of the white male inhabitants, above the age of twenty-one years, in this State.

[APPROVED FEBRUARY 7, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That on or before the twenty-fifth day of November next, it shall be the duty of each and every clerk of the circuit court, within and for their respective counties, under the seal of their said courts, to certify to the Secretary of State, the whole number of white male paupers, and insane persons, and persons exempt from a poll tax, who are not certified to the Auditor of Public Accounts, that belong to, or are inhabitants of their several counties, together with the number furnished by the list of the collector, in pursuance of the provisions of the fifth section of this act. Clerk shall certify to Sec. of State, &c.

SEC. 2. It shall be the duty of the Auditor of Public Accounts, on or before the first Monday in December next, to certify to the Secretary of State, the whole number of polls returned from each county for the present year. Duty of auditor

SEC. 3. That it shall be the duty of the Secretary of State, on the second Monday of the next session of the General Assembly to furnish the Speaker of the House of Representatives, and the President of the Senate each, for the inspection of their respective Houses, with a certi- Duty of sec. of state.



fied statement, exhibiting the whole number returned from each county, agreeably to the provisions of this act.

**SEC. 4.** That if the clerk of any circuit court, the Auditor of Public Accounts, Secretary of State, or collector of any county, shall refuse to discharge the duties enjoined upon them in this act, he or they so offending, shall forfeit and pay, for the use of the proper county seminary, the sum of fifty dollars, to be recovered by presentment or indictment in any court having jurisdiction thereof.

**SEC. 5.** It shall be the duty of the several collectors of the State and county tax, up to the twenty-fifth day of November next, to take a list of all the white male inhabitants above the age of twenty-one years, that may not have been entered on the list of taxables, whether the same be subject to the payment of tax or not, and to enter their names alphabetically, in a book to be kept for that purpose, which book shall be returned by the collector, to the clerk of the circuit court of the proper county, on or before the twentieth day of November, 1840, whose duty it shall be forthwith to certify the whole number so returned, including those enumerated in the first section of this act, to the Secretary of State. And the board doing county business shall allow to such collectors a reasonable compensation for such services, to be paid out of the county treasury of their respective counties.

**SEC. 6.** In addition to the duties herein before required, it shall be the duty of the clerks aforesaid, forthwith after the said twentieth day of November next, to make out and furnish the senator, or some one of the representatives of the proper county, with a certificate, certifying under his hand and seal of the circuit court, the whole number of polls, paupers, insane persons, persons exempt from poll tax, and persons returned by the collector as aforesaid, which certificate shall be handed over by said senator or representative, to the Secretary of State, within the first week of the next General Assembly.

**SEC. 7.** In all cases where counties have territories attached thereto, or have jurisdiction over any new county, which is unorganized, it shall be the duty of the several officers whose services are required in the aforementioned returns, severally to keep, make out, or transmit, as the case may be, separately, the numbers in said attached territory, or new county, and be governed in all other respects by the provisions of this act.

**SEC. 8.** This act to take effect and be in force from and after the first day of May next.

## CHAPTER XVI.

AN ACT amendatory to an act entitled "an act incorporating congressional townships, and providing for common schools therein, approved February 17, 1838."

[APPROVED FEBRUARY 24, 1840.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That no part of the school funds or rents shall be distributed to any district, except in cases provided for, in the fourteenth chapter, and the seventh section of the fourth chapter, the third section of the sixteenth chapter, the twenty-second and twenty-third chapters of the act to which this is amendatory, unless the district treasurer of the township, stating therein that there is a school house in the district, (either built or adopted) of convenient size, with sufficient lights, and that it is so furnished and repaired as to render the teachers and pupils comfortable; which oath the township treasurer may administer, and he shall be entitled to no fee therefor.

School fund,  
how distributed

**SEC. 2.** The certificates of such examiner or examiners is only to be used as auxiliary, to aid trustees in determining the qualifications of teachers, but shall not entitle the possessor to employment, without the trustees shall in addition thereto be satisfied that such teacher or teachers are of good moral character, and that in no case shall any person be employed as teacher, unless he presents the certificate of some examiner or examiners, in the county where such examination shall have been had, stating that he or she is qualified to teach a common school.

Certificate of  
examiner.

**SEC. 3.** That hereafter the treasurers of any incorporated congressional township, shall be allowed and paid, as is now provided by law, the sum of one dollar per day for their services, in all cases where they shall necessarily have to travel out of the county in which they reside, to draw or receive school funds, or for other purposes in the necessary discharge of their official duties.

Treasurers of  
school districts,  
compensation.

**SEC. 4.** That hereafter when any township treasurer shall refuse to pay to a district treasurer, any sums that may be due and owing said district, it shall be the duty of said district treasurer, to proceed to collect the same in any court having competent jurisdiction in his own name for the use of said district.

Treasurer may  
be compelled to  
pay to succes-  
sor.

**SEC. 5.** In any district where a school may have been commenced three months prior to the second Monday in March, but by reason of the sickness of the teacher or

Penalty for re-  
fusing to certify

Collectors shall  
take a list.

Compensation  
of collector.

Additional du-  
ty of clerks.

Territory at-  
tached to coun-  
ties, census how  
taken.



other unavoidable cause, a three months term or greater has not been completed, upon satisfactory proof being made to the township treasurer, it shall be his duty to allow to such district a prorata amount of the school funds as required by the seventh section of fourth chapter of the act to which this is an amendment.

**Repeal.** SEC. 6. That the sixth and seventh sections of the fourteenth chapter, and all other parts of the act to which this is an amendment, that comes within the purview of this act, be, and the same are hereby repealed.

**Application for loan.** SEC. 7. That it shall be the duty of the applicant for a loan of any funds belonging to the school fund, to produce to the school commissioner the certificate of the clerk of the court where such land is situate, that there is no judgment or lien of record against the real estate of such applicant.

SEC. 8. The school commissioner, at the time of making a loan, shall retain of the money so loaned, the following fees:

<b>Fees.</b>	To each trustee for the appointment [appraisement]	
	of any land to be mortgaged,	\$0 25
	For recording the mortgage,	0 25
	For writing duplicate mortgages,	0 50
	For taking borrower's affidavit,	0 12½
	For each acknowledgment on loan,	0 12½
	For entry of first year's interest,	0 25

**Penalty for failure to pay interest.** SEC. 9. That on failure to pay the interest on any loan from the school fund, when the same becomes due, the rate of interest from the time the same becomes due, shall be twenty-five per cent. per annum on such loan, for the space of six months, as contemplated by the first section of the eleventh chapter of the act to which this is an amendment, at the expiration of which time it shall be the duty of the school commissioner to sell the mortgaged premises, as contemplated by the second section of said chapter of said act, and shall, in addition to the costs and per centage authorized by said section, retain the amount of the above per centage.

**Proviso.** SEC. 10. That persons sending to private school shall be permitted to draw their *pro rata* proportion from the township of which they are a component part: *Provided*, There is no public school kept at the time which such private school is kept.

**District neglect to draw.** SEC. 11. That if any organized district neglect or refuse to draw their *pro rata* proportion on the days of the general distribution, that the clerk of such township shall loan such proportion, at the rate of ten per cent. per annum, for the use of said district, compounding the same every six months until called for.

This act to take effect and be in force from and after its passage.

## CHAPTER XVII.

AN ACT to relocate the county seat of Scott county.

[APPROVED FEBRUARY 13, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of Scott county shall meet at their usual places of holding elections in said county, on Monday, the 8th day of June next, and determine by a vote of the qualified voters of said county present, at what place in said county the seat of justice in and for said county shall be permanently located, by designating the name of such place voted for on their ticket: *Provided, however*, That no place in said county shall be designated as such county seat, until it shall have received a majority of all the votes of said county, given at such election, on said day; and if no place shall receive a majority of all the votes as aforesaid, it shall be the duty of the clerk of said county to notify the voters of said county, by manuscript advertisements, set up at the places of holding elections in said county, forthwith after the result of said election, and the two points getting the highest number of votes shall be voted for at said election. Said clerk shall give notice at least ten days preceding said second election.

Meet to determine location for seat of justice.

SEC. 2. If any inspector shall refuse or neglect to attend at their usual places in their respective townships on said day, it shall be lawful for the voters present to elect one as the law requires, and such inspector shall be governed by the law regulating general elections, in every respect. The judges and inspectors shall make out the returns of such election, and forward them to the clerk as the general election returns are made.

Inspector refuse to attend.

SEC. 3. It is hereby made the duty of the clerk to make out poll books for said election, and forward them to the inspectors, and when the polls are returned to the clerk, he shall compare the same, and if any point shall have a majority, it shall be the county seat permanently located, and shall be so understood, and shall not be removed, until after all the expense which may accrue to said county

Clerk shall make out poll books, and shall compare same.



by the loss of the public buildings and donations at Lexington and otherwise, shall be paid for.

Clerk shall certify result of election.

SEC. 4. It is hereby made the duty of the clerk, to lay before the board doing county business, the result of said election, when any place shall have received a majority of all the votes aforesaid, the returns of said election, and the board shall cause the same to be recorded in the recorder's office, in said county; and in case the said seat of justice shall be taken from Lexington, the board doing county business shall appoint an agent for said county, who shall enter into a bond, with security to be approved of by said board, and take an oath before said board, faithfully to discharge his duty as such agent, and such agent shall receive all such donations in land and otherwise, for aiding and assisting in the erection of public buildings, and said board shall make such allowance as to them may seem right and just, for such service, so rendered by said agent.

Duty of board.

SEC. 5. It shall be the duty of the board doing county business in said county, to proceed as soon as practicable after the locating said new county seat, to cause the necessary public buildings to be erected at such new county seat, according to such manner and form as will be most conducive to the public interest in said county, and so soon as the same shall have been erected, the board shall cause the clerk and recorder of the county to remove their offices to said new county seat, and from that time the courts of said county shall be held at said new county seat; and all things belonging to public business in said county, shall be done in the same way and manner as if the county seat had not been removed.

Public property at Lexington.

SEC. 6. If the county seat is not fixed at Lexington, the public property thereof shall be disposed of under the order of the county court, and all land and town lots deeded to said county shall be sold, and the proceeds thereof shall go towards defraying the expenses of said county. Nothing in this act shall be so construed as to authorize the board doing county business to make any allowance to persons who did donate for the public buildings at Lexington and since that time sold their interest in said county, and removed from said county.

Repeal.

SEC. 7. That an act to provide for the relocation of the county seat of Scott county, approved February 12, 1839, be, and the same is hereby repealed.

This act to be in force from and after its publication in the Indianian, a newspaper printed at Charlestown.

## CHAPTER XVIII.

AN ACT to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838."

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the one hundred and third section of said act be, and the same is hereby amended, by inserting "Randolph, Delaware, and Union," after the word "Decatur," in the fifth line of said section.

This act to be in force from and after its publication.

## CHAPTER XIX.

AN ACT entitled an act amendatory to an act entitled "an act relative to practice in circuit courts."

[APPROVED FEBRUARY 7, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all changes of venue, hereafter taken in criminal cases, the county from which such change is taken, shall be liable for the expenses of moving and keeping the prisoner or prisoners, the per diem allowances of the associate judges, the expenses of the jury trying the case, the necessary expenses of the officers attending said jury and trial, the expenses of the whole regular pannel of jurors in attendance during such trial, and all other expenses necessary and consequent upon any such change of venue, and the trial thereof of the defendant or defendants, in the circuit courts of the county to which such change of venue may be granted, to be audited and allowed by the court trying the cause.

County liable for costs in case of change of venue.

SEC. 2. And the clerk of said court shall certify such allowance to the board doing county business in the county from which said change of venue shall have been taken, and said board shall allow and pay the same in the same manner as if said cause had been tried and determined in the court of the county from which such change of venue was taken: *Provided*, That nothing in this act be so con-

Allowances to be certified.



strued as to authorize any costs or expenses to be allowed and collected, that the county from which such change of venue was taken, would not have been liable to have paid if said trial had been determined in said court from which said change of venue was taken.

Repeal.

SEC. 3. The second section of an act entitled an act relative to practice in circuit courts, approved February 18, 1839, be, and the same is hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

## CHAPTER XX.

AN ACT to amend an act "defining the duties of county treasurers, collectors, &c. approved February 18, 1839."

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all cases in which any assessor within this State, shall assess or shall have assessed, the lands or lots of any person or persons erroneously, either by mistaking the owner's name, or in the name of an unknown person, whereby such error has, or shall have occasioned the return by the collector of such lands or lots to the county treasurer, or school commissioners: If the person or persons whose lands or lots so returned, shall have paid the collector of the proper county, or person authorized to receive the taxes charged to or demanded of him her or them, by said collector, &c. and when informed of or discover such erroneous assessment and return, shall pay the tax aforesaid, with interest at the rate of six per cent. per annum, at or before the next year's tax succeeding such discovery becomes due and payable, said school commissioner or county treasurer is hereby required to receive the same and give credit therefor in his books, in which such charge was made; and also to give him, her, or them a certificate setting forth the facts, which shall operate as a release to the owner or owners of such lands or lots from the penalty, per centage and other liabilities incident thereto; and it is hereby made the duty of the clerk of the proper county, on the presentation of such certificate, to record the same as is provided in the 11th section of the act to which this is amendment.

Erroneous assessments, how corrected.

SEC. 2. The provisions of this act shall be extended to

all lands and lots, the owners of which have paid the penalty and per centage, in addition to the tax, previous to the passage of this; and it is hereby made the duty of the county treasurer or school commissioner in whose hands money so paid or returned, on application being made by the person or persons, by themselves or agents, to refund the penalty and per centage, retaining at the rate of six per cent. per annum, up to the time such payment was made.

Provisions extended to former assessments.

SEC. 3. The foregoing provisions of this act shall not apply to any lands or lots, the owners of which have neglected or shall neglect the procuring of any transfer from the original or any subsequent purchaser, either by deed or otherwise to be recorded in the recorder's office, of the county in which such lands or lots are situate.

Shall not apply in certain cases

SEC. 4. The interest accruing by the foregoing provision, shall be applied to the same purposes as the penalty and per centage are, in the ninth section of the act to which this is an amendment.

Interest, how applied.

## CHAPTER XXI.

AN ACT supplemental to an act to provide for the inspection of salt, beef, flour, pork, and tobacco.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the board doing county business, in any county in this State, when they think proper to do so, to appoint an inspector, who shall hold his office during the term of two years, whose duty it shall be to inspect all whiskey in barrels that may be offered for sale in such county, or intended for exportation, for which inspection the owner or owners of such whiskey shall pay to the inspector, for any number of barrels under fifty, 64 cents each; for any number over fifty and under seventy-five, 4 cents each; and any number over seventy-five, 3 cents each.

Whiskey to be inspected.

SEC. 2. It shall be the duty of the inspector to keep an office, in some convenient part of the county in which he is inspector, for the reception of orders from the owner, agent, or person having in charge any whiskey. And it shall be the duty of such inspector, on the requirement of any person owning such whiskey, to go without delay to

Inspector to keep an office.



Barrels to be gauged. the place within said county where such whiskey may be deposited, to ascertain or prove the strength of such whiskey, to gauge the barrels containing such whiskey, and ascertain the quantity such barrels will hold, and the quantity deficient, if any, from each barrel; to mark with a marking iron, in a legible manner, upon each barrel, the whole number of gallons it will contain, the number of gallons deficient, and the proof thereof, if first proof; if not first proof, the per centage thereof above or below first proof, and to such mark shall put the initial letter of his sir-name.

Inspector to give certificate. SEC. 3. It shall be the further duty of such inspector to make, subscribe, and deliver to the owner, agent, or holders of said whiskey, a certificate exhibiting in separate columns the whole contents of each barrel, the deficiency, the proof, and the number of estimated gallons at first proof, making the proper deductions or additions, in consequence of the same being above or below first proof; for which services the owner, agent, or holder of such whiskey shall pay to said inspector the sum of two cents for each barrel contained in said certificate.

SEC. 4. The barrels containing such whiskey shall each hold not less than thirty-two gallons, shall be made of good and sound white oak timber, staves and heading, and to be clear of sap, and to be bound with twelve good and sufficient hoops of hickory, oak, or other good timber. The inspector, owner, agent, or holder shall be governed by this act and the act to which this is a supplement, so far as the same is applicable.

This act to be in force from and after its passage.

## CHAPTER XXII.

AN ACT for the relocation of the seat of justice of Blackford county.

[APPROVED FEBRUARY 24, 1840.]

Commissioners appointed. SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Laymon and Leander Morrison, of the county of Huntington, and Samuel Decker, of the county of Wells, Samuel D. Willis, of the county of Henry, and James Peed, of the county of Henry, be, and they are hereby appointed commissioners to relocate and establish the seat of justice of Blackford county. Said com-

missioners, or a majority of them, shall meet at the house of George H. Hanser, in said county, on the first Monday in June next, and after being duly sworn to the faithful discharge of the duties assigned them, shall proceed forthwith to examine and select the most eligible situation in said county, as near the centre thereof as may be procured on reasonable terms, for the relocation of said seat of justice; said commissioners to be governed in all respects by the provisions of an act of the General Assembly of the State of Indiana, entitled "an act to establish seats of justice in new counties, approved January 14, 1824;" and said commissioners, or those in attendance, may adjourn to any other day, and for any length of time, not to exceed one year from the first, shall they deem that the interest of said county shall require such adjournment, and give the absent commissioners notice of the time and day to which they have so adjourned. Commissioners how governed.

SEC. 2. It shall be the duty of the sheriff of said county of Blackford, to notify the commissioners above named, either in person or by writing, of their appointment, and the time and place appointed for them to meet; and the county commissioners of said Blackford county shall make said sheriff a reasonable compensation for said services, out of any money in the treasury of said county, not otherwise appropriated. Notice to commissioners.

SEC. 3. The agent of said county of Blackford shall reserve ten per cent. out of donations or the proceeds of the sales of all lots and land that may be sold for the use of said county at the said relocated county seat, for the use of a county library, which shall be paid over in the same manner as is now provided for by law. 10 per cent for county library.

Provided, That this act shall not take effect unless a majority of the legal voters of Blackford county, on the first Monday in August next, shall vote for a relocation of the said county seat of Blackford county. Proviso as to the law taking effect.

SEC. 4. And for the purpose of testing the question of re-organization, it shall be the duty of the inspectors of elections, in the several townships in said county, at the next August elections, to open a separate poll for that purpose; which election shall be in all things conducted as general elections are, and the returns made to the clerk of the county; and if upon canvassing all the returns as aforesaid, it shall appear that a majority of all the votes given are in favor of such relocation, then this act shall be in full force, and not otherwise.



## CHAPTER XXIII.

AN ACT to amend an act entitled "an act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians, approved February 17, 1838."

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That each probate judge shall and may take and certify the acknowledgments of powers of attorney, mortgages, deeds, and other instruments of writing, with or without the release and assignment of dower, as fully in every respect as any other judge or justice may or can do now; for which he shall receive the compensation allowed by law, for like services, to justices of the peace; and acknowledgments, when so taken by said probate judges, shall have the same effect as the like acts of judges of the circuit courts now have.

This act to be in force from and after its passage.

## CHAPTER XXIV.

AN ACT to amend an act entitled "an act to provide for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838.

[APPROVED FEBRUARY 24, 1840.]

Whereas, The act entitled as aforesaid, is obscure and not generally understood, especially that portion which relates to the raising of revenue for township purposes. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the trustees of the respective townships in the several counties to which the aforesaid act extends, to procure from the clerk's office in the county in which they reside, a copy of the assessment roll for said county, so far as it relates to their township, and assess a tax on all objects subject to taxation for county purposes, a sufficient amount to defray the necessary expenses of the township, to be collected as provided in said act: *Provided, however*, That in no case assessment

Township revenue, how assessed.

Proviso.

shall exceed more than one half per cent. the amount assessed for county purposes.

SEC. 2. *And whereas*, It is represented that the process of collecting a township revenue, by collectors appointed for that purpose, under existing law, costs too much in proportion to the amount to be collected: Therefore, *Be it further enacted*, That the township trustees of Carroll county be authorized to appoint the collector of the State and county revenue, township collector, if they shall deem it most expedient, who, when so appointed, shall give bond, as required of township collectors, in the act to which this is an amendment, which revenue the said collector shall then collect, and pay over to the proper township treasurer, for the same compensation, and within the same time, and under the same regulations and penalties, as prescribed or that may be prescribed by law, for the collection and payment of county revenue.

County collector may be appointed.

SEC. 3. So much of said act as comes within the purview of this act be, and the same is hereby repealed.

This act to be in force from and after its passage.

## CHAPTER XXV.

AN ACT for attaching Carroll county to the eighth judicial circuit, and for other purposes.

[APPROVED FEBRUARY 7, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county of Carroll be, and the same is hereby attached to the eighth judicial circuit.

Carroll to be attached to 8th circuit.

SEC. 2. The courts in the eighth judicial circuit shall be holden as follows: In the counties of Miami, Wabash, Huntington, Whitley, Noble, DeKalb, Steuben, Lagrange, and Allen, as heretofore provided by law. In the county of Cass on the second Thursday succeeding the courts in the county of De Kalb; and in the county of Carroll on the third Monday succeeding the courts in the county of Cass. The courts in the county of Cass shall sit fifteen days, and in the county of Carroll twelve days if the business requires it.

Courts, where holden in the 8th circuit.

SEC. 3. The courts in the first judicial circuit shall sit in the counties of Tippecanoe, Warren, Fountain, Montgomery and Clinton, as heretofore provided by law; and the courts in the counties of White and Jasper shall follow

Courts, where to sit in the 1st circuit.



the courts in the county of Clinton, in the same manner as they have heretofore, by law, followed the courts in the county of Carroll.

Effect of process heretofore issued.

SEC. 4. All writs, subpoenas, venires, rules, orders of court, recognizances, and all processes whatsoever, which may have issued from any circuit court, in said counties, in which the time of holding such court is changed by this act, since the last sitting thereof, or which may hereafter issue previous to the taking effect of this act, in the several counties in said circuits, shall be deemed and taken, and are hereby made returnable to the first day of the first term of the several circuit courts, to be holden by virtue of this act. All suits, pleas, complaints, prosecutions, recognizances, actions, motions, rules or other proceedings, or which shall hereafter be pending prior to the taking effect of this act, as aforesaid, shall be taken up and acted upon at the time of such courts, to be holden under this act, and be disposed of in the same manner as if no alteration had been made in the time of holding such courts.

SEC. 5. It shall be the duty of the Secretary of State to forward immediately to the clerks of the court in the several counties, in the first and eighth judicial circuits, a copy of this act.

SEC. 6. All laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

SEC. 7. There shall be a special term of the Allen circuit court, commencing on the first Monday in June next. The said term of said court shall be a special session of said court for the sole purpose of trying and disposing of civil causes that were pending in said Allen circuit court prior to the November term of said court, of the year A. D. 1838, and there shall be no grand jury summoned,

Special term of the Allen C.C.

nor any witnesses subpoenaed to attend and testify in any criminal case, except in cases of contempt; and that no other criminal case whatever shall be tried or otherwise disposed of at said June term of said court; but that petit jurors shall be summoned to sit at said term, and writs of subpoenas, or other processes to compel the attendance of witnesses as in other cases, and that said court shall have at said term all the powers of doing, trying, and disposing of any business as aforesaid, in the same manner as at other terms of said court. Said special session of said court shall continue two weeks, if the business require it.

This act to be in force from and after its passage and publication in the Logansport Herald and Delphi Bulletin.

## CHAPTER XXVI.

AN ACT to relocate the seat of justice in the county of La Grange.

[APPROVED FEBRUARY 13, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Jackson, of Elkhart county, Joel Bristol, of Noble county, Albert Cole, of Miami county, Marshall S. Wines and Thomas J. Lewis, of Allen county, be, and they are hereby appointed commissioners to relocate the seat of Justice in the county of Lagrange. Commissioners

SEC. 2. The said commissioners, or a majority of them, shall meet at William McConnell's, in Eden township, Lagrange county, on the first Monday of May next, or at such other time and place as they may agree upon, and have full power to adjourn from time to time, as they may deem necessary. The said commissioners, after taking an oath faithfully and impartially to discharge the duties required of them by this act, shall proceed to relocate said seat of justice for said county, as near the centre thereof as the situation of the land and the interest of the county will admit, having due regard to the present, and probable future population of the county, and such donations as may be made for the benefit of said county of Lagrange. Com'ers, when and where to meet.

SEC. 3. That the said commissioners shall be and they are hereby authorized to receive all donations in lands for the site of the said seat of justice, and all donations which may be made to defray the expenses for erecting the necessary buildings for the use of said county, and take all necessary bonds and deeds to secure the faithful performance of such contracts. Donations.

SEC. 4. The said commissioners shall, after they have selected the site for said seat of justice, certify the same to the recorder of the county of Lagrange, who shall make a proper record thereof; and also deposit with said recorder all deeds, bonds, or other instruments of writing, which they may have received for the use or benefit of said county.

SEC. 5. That the board doing county business for the county of Lagrange, shall, at their first meeting next after the seat of justice shall have been located and fixed in manner as aforesaid, appoint three suitable persons, residents and freeholders of said county, as commissioners to superintend the erection of such public buildings for the Com'rs of public buildings.



use of the county, as the county commissioners may designate and direct; which said commissioners, when so appointed, shall severally give bond and security in the sum of two thousand dollars to the treasurer of said county, conditioned for the faithful discharge of their respective duties, which bonds shall be made payable to the said county treasurer for the use of said county; and the said treasurer is hereby made the judge of the sufficiency of the security, and the said last mentioned commissioners shall have power to receive any donations which may be made for the use of said county, and the same to sue for and collect in their own names, for the use and benefit of said county, for the purposes aforesaid.

**SEC. 6.** The said commissioners appointed in the first section of this act, shall receive the same compensation, and be paid in the same manner, as is provided for in an act entitled "an act to establish seats of justice in new counties, approved January 14, 1824," and the said last mentioned commissioners shall receive such compensation as the board doing county business may allow, to be paid out of the county treasury of said county.

**SEC. 7.** So soon as the public buildings shall be completed, in the manner aforesaid, at the place so selected and designated, the same shall thereafter be the permanent seat of justice of the said county of Lagrange, and all courts of said county shall thereafter be holden at such new county seat; and until the erection and completion of such buildings, the circuit courts and all other courts shall be holden at Lima, or at any other place to which said courts may adjourn, in said county of Lagrange.

**SEC. 8.** And it shall be the duty of the sheriff of said county of Lagrange, to give notice to said commissioners either in person or by writing, of the time and place; and the board of commissioners of said county of Lagrange shall make such allowance to the sheriff aforesaid as they may deem proper and just for his services herein required.

This act to take effect and be in force from and after its passage.

## CHAPTER XXVII.

AN ACT to amend an act subjecting real and personal estate to execution, approved February 4, 1838.

[APPROVED FEBRUARY 21, 1840.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That on all judgments, decrees and orders to be rendered in any of the courts, in this State, from and after the first day of March next (1840) there shall be a stay of execution, twelve months, from and after the date of such judgment, order or decree, by the judgment debtor or debtors procuring one or more sufficient securities to enter on the record of the courts rendering such judgment, order or decree, a recognizance acknowledging himself, herself or themselves bail for the payment of such judgment, order or decree, together with the interest and costs, accrued, accruing, and to accrue thereon; which recognizance may be entered in open court, or before the clerk of said court in the interim, and the same shall be considered as, and have the effect and force of, a judgment confessed, in a court of record, against the person or persons acknowledging the same, and their estates; and execution may issue thereon.

**SEC. 2.** That on all judgments to be rendered by any justice of the peace in this State, from and after the first day of March (1840) there shall be a stay of execution thereon of eight months from and after the date of the rendition thereof, to be replevied in the same manner and shall have the same force and effect as judgments replevied before justices now have under the present laws in force for the government and regulations of justices of the peace in this State.

**SEC. 3.** That on all judgments, orders or decrees heretofore rendered in any court of record in this State, and which have been replevied under the now existing laws, but not yet fully satisfied, and all judgments, orders or decrees on which a stay has already expired and execution issued thereon and levied or not levied, and which are not fully satisfied, the execution debtor or debtors may replevy the same, in addition to the former stay for six months from and after the first day of March next, (1840) by the said judgment debtor or debtors giving additional replevin bail in the same manner and under the same restrictions as required in the first section of this act. And all judgments, orders and decrees which have been ren-

Stay on judgments hereafter rendered in circuit courts.

Stay on judgments to be rendered by justices of peace.

Stay on judgments heretofore rendered by c. court.



dered since the first day of October 1839, and which have not been replevied under the now existing laws, the judgment debtor or debtors may, by complying with the first section of this act, have a stay of execution thereon, until the first day of October, 1840.

SEC. 4. That all judgments heretofore rendered by any justice of the peace in this State, which have not been satisfied or replevied under the now existing laws, the judgment debtor shall have four months additional stay thereon from the first day of March next (1840) by giving additional bail for stay of execution, and on all judgments rendered by any justice of the peace in this State, since the first day of December 1839, and which have been replevied under the present laws, the judgment debtor or debtors shall have a stay of execution thereon for four months after the first day of March next, (1840): *Provided* he, she, or they will replevy the same, in the same manner and under the same restrictions as are now prescribed by the several acts now in force regulating the jurisdiction, and duties of justices of the peace, except as to the time of said stay.

SEC. 5. There shall be no stay of execution on the following judgments, viz: On judgments taken, or to be taken, on forfeited delivery bonds, on judgments, on *scire facias*, on all judgments in favor of the State on bonds made payable to her.

SEC. 6. All acts and parts of acts, coming within the meaning and province of this act be, and the same are hereby repealed.

SEC. 7. That in all cases, when the judgment plaintiff or plaintiffs, his, her or their agent or attorney shall make and file in the clerk's office, or with the justice of the peace where any judgment is rendered, an affidavit showing that the replevin bail is about to dispose of his, her or their property, or remove from the county, or become insolvent, it shall be the duty of the clerk or justice of the peace, forthwith to issue an execution on such judgment: *Provided*, That such execution shall be recalled, upon the execution defendant or defendants giving new bail to the approval of such clerk or justice of the peace, which shall not release the first bail, but only be taken as an additional security.

SEC. 8. And whenever any debtor is not able or neglects to take the stay, his or her property shall be sold on the same credit for which he might have taken the stay, but in such case the officer making sale shall take bond and security from the purchaser, which shall have the effect of a judgment, and execution may issue upon the same as in other cases, and no stay shall be allowed

thereon. Said bonds, taken as aforesaid, shall be filed by the officer taking the same, with the clerk or justice issuing the execution, at the same time of returning the execution: *Provided*, That none of the provisions of this act shall extend to any corporation, bank or savings institution.

SEC. 9. This act shall take effect and be in force from and after its passage and the publication thereof in the Indiana Journal and Democrat, but shall cease to operate from and after the first of March 1841, and be null and void; and it is hereby made the duty of the Secretary of State forthwith to make certified copies of this act, and to send one to each of the clerks of this State, who shall file the same in each of their offices.

Act, when to take effect and expire.

## CHAPTER XXVIII.

AN ACT to dissolve the present board of internal improvement, the board of fund commissioners and the engineer department.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the first day of March next, the services of Samuel Lewis, one of the present board of internal improvement, be, and the same are hereby dispensed with, and that Jesse L. Williams, chief engineer, in addition to his present office of chief engineer, shall be the acting commissioner upon and for the Wabash and Erie canal, and that the president of the board and chief engineer shall constitute the future board of public works, and that each shall receive as a full compensation for his services three dollars per day, when necessarily employed: *Provided, however*, that in no event they shall either receive more than one thousand dollars a year for all services rendered, including all expenses; That from and after the first day of March next, Milton Stapp, the present fund commissioner, with the treasurer of State, shall constitute the board of fund commissioners, who shall possess all the powers, perform all the duties, and be governed by all the restrictions now required of the present board of fund commissioners, and perform all such other duties as shall or may be imposed upon them by law.

Who shall constitute board of int. impr.

Fund commissioners.

SEC. 2. That the board of public works, created by this



act, shall forthwith discharge all assistant engineers and all other persons not absolutely necessary to preserve the public works; *Provided, however,* That nothing herein contained shall be so construed as to prevent the board from appointing an assistant engineer for such time as shall or may be necessary for the public interest, and to be paid for the time so employed and no longer.

SEC. 3. That the board of public works shall record their own proceedings, and that the members of the present and former board of commissioners of the public works, the present and former board of fund commissioners, engineers, and disbursing agents of every description engaged upon the public works, either borrowing or disbursing the public money, are hereby required to make immediate settlement with the board, of their several accounts up to the first of March, (1840) and it shall be the duty of the president of the board of public works, with the assistance of the chief engineer, to attend all such settlements.

SEC. 4. That the said fund commissioner shall receive for his services three dollars per day when necessarily employed; *Provided,* It shall not exceed the sum of one thousand dollars per year, including all expenses, and shall give bond in the sum of one hundred thousand dollars, if not already done, to be approved by the governor, and such bond to be filed and recorded in the office of the Secretary of State, and shall take an oath of office, if not taken. The fund commissioner shall not dispose of any bond, bill, or other evidence of debt of the State, until the same shall be first signed by the treasurer of State, whose duty it shall be to sign the same or as many as shall or may be necessary, and keep a register thereof, and all such bonds and such other evidences of debt, signed and delivered to the fund commissioner, and not disposed of in any one year, shall be returned to the treasurer and cancelled; and make a certified report of the same to treasurer of State, whose duty it shall be to lay the same before the next legislature; and it shall be the duty of the board of public works, and fund commissioner, and engineer, if any, to settle up their respective accounts quarterly.

## CHAPTER XXIX.

AN ACT in relation to the State House, and for other purposes.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the treasurer of State, if he should think it expedient, to procure insurance on the State house, in such amount as he shall think advisable, not less than twenty thousand dollars, to be continued for three years.

SEC. 2. That the treasurer of State be authorized to cause the Senate chamber and hall of the House of Representatives to be heated by rarified air, if on enquiry and examination, he shall be satisfied of the utility of that mode of heating the halls, taking into consideration the health and convenience of the members, the safety against fire, the saving of fuel, and other results either favorable or adverse, which will be consequent upon making the change.

SEC. 3. That the treasurer, auditor, and secretary of State, or either of them, are hereby authorized to rent one or more rooms and vaults in the new fire-proof building now being erected by the State Bank of Indiana, in which said officers shall deposit such of the public records and archives of their said offices, as may without inconvenience to the current business of the officers, be so deposited. This act to be in force from and after its passage.

SEC. 4. It shall be the duty of the treasurer of State to purchase new furniture for the State house, instead of such as has been destroyed, and to cause such as has been injured to be repaired, and also to procure new carpeting, and cause the same to be laid upon any of the floors of the State house which need the same, and also to have other repairs and alterations done upon the State house and square, as he may deem advisable.



## CHAPTER XXX.

AN ACT to amend an act entitled "an act to regulate the mode of doing county business, in the several counties in this State, approved February 17, 1838."

[APPROVED FEBRUARY 15, 1840.]

J. P. to do of Indiana, That the qualified voters of the several townships in the county of Owen, shall, at the annual township election on the first Monday in April, in each year, elect one of the justices of the peace from each township in said county, to do the county business of said county for one year, and until his successor shall be duly elected and qualified.

Elections, how conducted. SEC. 2. The said election shall be conducted in all respects as township elections are now authorized by law to be conducted, and the returning judges thereof shall make report of such selection to the clerk of said county, who shall notify such justice of the peace of his election.

J. P. shall constitute board of comm'rs. SEC. 3. The said justices of the peace so elected as in this act is provided for, shall constitute the board of commissioners of said county, and said board shall in all respects be governed by the laws now in force, regulating the mode of doing county business in this State.

Penalty for neglect. SEC. 4. If any justice of the peace elected under the provisions of this act, shall wilfully fail or refuse to attend any regular session of said board, he shall be considered as in contempt of the authority of said board, and shall, for each default as aforesaid, be fined in the sum of three dollars.

SEC. 5. In addition to the exemptions now allowed by law, the members of said board shall receive seventy-five cents each per day, for each and every day they may be necessarily engaged in attendance as members of said board.

This act to be in force from and after its passage.

## CHAPTER XXXI.

AN ACT to amend an act entitled "an act dividing the State into judicial circuits and fixing the times of holding courts therein, and for other purposes."

[APPROVED FEBRUARY 13, 1840.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the county of Decatur shall form and constitute a part of the sixth judicial circuit. Decatur co. attached to sixth circuit.

SEC. 2. That the courts in the county of Decatur shall be holden as follows, to wit: On the second Mondays of May and November, the court in the county of Decatur shall sit twelve days at each term, if the business require it. Courts, when holden.

SEC. 3. All writs, subpoenas, venires, orders of court, recognizances, and all process whatsoever, which may have issued from the Decatur circuit court, since the last sitting thereof, or which may hereafter issue, previous to the taking effect of this act, in the said Decatur circuit court, shall be deemed and taken, and are hereby made returnable to the first day of the first term of the said Decatur circuit court, to be holden by virtue of this act. And all suits, pleas, complaints, prosecutions, recognizances, actions, motions, rules, or other proceedings, or which shall hereafter be pending prior to the taking effect of this act, as aforesaid, shall be taken up and acted upon at the time of such court to be holden under this act, and be disposed of in the same manner, as if no alteration had been made in the time of holding the said Decatur circuit court. Effect of writs heretofore issued.

SEC. 4. It shall be the duty of the Secretary of State, to forward immediately to each of the clerks of the sixth judicial circuit, a copy of this act.

SEC. 5. This act to be in force from and after its passage, and to be published in the Indiana Democrat and Journal.



## CHAPTER XXXII.

AN ACT to repeal so much of the fourth section of an act entitled "an act for the formation of the second and third judicial circuits, and providing for holding courts therein, approved February 17, 1838," as relates to the June term of the Jefferson circuit court.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the fourth section of the above mentioned act, as provides for the holding of a term of the circuit court in the county of Jefferson, on the second Monday of June in each year, be, and the same is hereby repealed.

SEC. 2. The Secretary of State be, and he is hereby directed to forward a duly authenticated copy of this act, immediately after the same shall be approved and passed, to the clerk of the Jefferson circuit court, and the same shall be in force from and after the filing thereof in his office.

## CHAPTER XXXIII.

AN ACT to extend the time of payment to the purchasers of saline and school lands.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time of final payment be extended to all purchasers of saline lands, for the additional term of five years at the option of the purchaser, their heirs and assigns, to all purchases made previous to the close of the year one thousand eight hundred and thirty-one.

SEC. 2. And all persons indebted for any portion of the purchase money, due on the sale of the sixteenth section of school lands, who shall desire to avail themselves of the benefit of this act, shall, before being entitled to the same, pay over to the school commissioner the interest for one year in advance, on the amount due, at the same rate that said commissioner is authorized to loan moneys

in his hand, and the debtors for saline lands shall in like manner pay over to the commissioner of saline lands in his county, one year's interest, each year in advance, on the amount due, at the rate of ten per cent. per annum.

SEC. 3. Nothing in this act shall be so construed as to exempt said lands, with the improvements thereon, from being bound for the final payment of the principal and interest on State or county taxes, after the expiration of ten years from and after the day of sale.

SEC. 4. The surplus revenue agents in the counties above named, in all cases where the sums loaned are or may be sufficiently secured, shall extend the time of payment thereof one year from the time such sum or sums may become due.

## CHAPTER XXXIV.

AN ACT relative to the collectors of the revenue.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the collectors of the State and county revenue, before the duplicate of the assessment roll shall be delivered to him, to execute a bond for the faithful discharge of his duties, in double the amount of taxes assessed for the county for which he shall be appointed. Collectors with securities to be approved by the board doing county business therein.

SEC. 2. Said bond shall be made payable to the State of Indiana, filed with the clerk of the circuit court of the proper county, and a certified copy thereof by said clerk, transmitted to the auditor of public accounts; and may be put in suit upon the neglect of said collector to perform any of the duties required of him by law.

This act to be in force from and after its passage, and shall be published in the Indiana Democrat and Indiana Journal.



## CHAPTER XXXV.

AN ACT to regulate vending merchandize at auction in this State.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That any person or persons not residents in the town or place where he or they may desire to sell or vend merchandize at auction, shall, before the commencement of such sale, pay into the hands of the county treasurer of such county, two dollars fifty cents per day for each day he or they may wish to sell or vend merchandize at auction.

SEC. 2. That upon failure to do so, it shall be the duty of the vender of any goods or merchandize, that has not complied with the first section of this act, to make out and deliver to the county treasurer, a schedule of all the merchandize by him so sold, on each day he may have been vending merchandize, as aforesaid, and in addition to the aforesaid two dollars fifty cents per diem, he shall pay to said treasurer ten per centum, on the amount so sold at auction for such violation.

SEC. 3. And it shall be the duty of the county treasurer to enquire into the vending of merchandize at auction in their respective counties, and prosecute in his own name, as treasurer of said county, by action of debt, before any court having jurisdiction of the same, any person or persons who may so vend merchandize, without complying with the provisions of this act.

This act to be in force from and after its passage.

## CHAPTER XXXVI.

AN ACT relative to the counties in the fifth judicial circuit.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the boards doing business in the several counties composing the fifth judicial circuit, are hereby authorized to allow, and cause to be paid to the president

judge of said circuit, a sum not exceeding sixty dollars per annum each, out of the funds of said county, as other claims are paid; *Provided* said board should deem the same expedient.

This act to be in force from and after its passage.

## CHAPTER XXXVII.

AN ACT amendatory of an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838, and for other purposes.

[APPROVED FEBRUARY 22, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That any justice of the peace who shall hereafter wilfully refuse or neglect to comply with any of the requisitions of the fourteenth section of an act regulating the jurisdiction and duties of justices of the peace, (approved February 17, 1838,) shall for each such neglect or refusal, be liable to a fine of not less than twenty nor more than one hundred dollars, for the use of the proper county seminary, to be recovered by presentment or indictment, in the circuit court of the county in which such offence shall be committed.

Penalty for neglect of duty of J. P.

SEC. 2. *Be it further enacted*, That should any clerk of the circuit court hereafter wilfully neglect or refuse to comply with any of the requisitions of the fourteenth and fifteenth sections of the act referred to in the first section of this act, such clerk shall for each such neglect or refusal be liable to a fine of not less than twenty nor more than one hundred dollars, for the use of the proper county seminary, to be recovered by presentment or indictment, in the circuit court of the county in which such offence shall be committed.

Penalty for neglect of duty of clerks.

SEC. 3. *Be it further enacted*, That it is hereby made the duty of the several boards doing county business in this State, at their first annual session in each year, to compel any justice of the peace who shall neglect or refuse to comply with any of the requisitions of the fifth section of an act relating to county seminaries, (approved February 17, 1838,) to forthwith appear in said court, and bring his docket, containing each and every fine by him assessed against any of the citizens of this State, and all other papers belonging to his office, pertaining to such investiga-

Comm'rs may compel justices to exhibit books and papers.



tion and trial, had before him during the year previous to the said term of the board aforesaid; and the board shall further have the power to fine any such delinquent justice for a contempt, for not complying with the requisitions of the section aforesaid; and such delinquent justice, for each such neglect or refusal shall be fined not less than twenty nor more than one hundred dollars, for the use of the proper county seminary to be recovered by presentment or indictment in the circuit court of the county in which such offence shall be committed.

Penalty on  
sheriffs and  
constables.

SEC. 4. *Be it further enacted*, That should any sheriff or constable hereafter, by virtue of a writ of execution, wilfully refuse to levy and collect, or collect and neglect or refuse to pay over any fine or fines assessed by any court in this State having the power and authority to assess fines, on the proper return day thereof, in the proper court from which such writ issued, such sheriff or constable, for each neglect or refusal, shall be liable to a fine of not less than twenty, nor more than one hundred dollars, for the use of the proper county seminary, to be recovered by presentment or indictment, in the circuit court of the county in which such offence shall be committed.

*Provided*, Such sheriff or other officer shall not be liable for failing to pay over the money by him collected upon executions issued from any court in this State, other than the court of the county in which he resides, on the proper return day thereof, if he will in the presence of a post master, mail such fine, directed to the proper officer entitled to receive the same.

Repeal.

SEC. 5. *Be it further enacted*, That the sixteenth section of an act regulating the jurisdiction and duties of justices of the peace, (approved February 17, 1838) be, and the same is hereby repealed.

SEC. 7. *Be it further enacted*, That this act take effect and be in force from and after its passage.

### CHAPTER XXXVIII.

AN ACT to encourage the raising of sheep and hogs, and to increase the revenue of the State, and the wealth of the people.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the boards doing

county business in the several counties in this State, to offer a bounty of not less than one nor more than five dollars for each and every full grown wolf that may be killed within the bounds of any county in this State, to be paid out of the treasury of the proper county, under such rules and regulations as the county board may direct. Premium for  
wolf scalps.

This act to take effect and be in force from and after its passage.

### CHAPTER XXXIX.

AN ACT to amend the several acts of this State, relative to the taking up of animals going astray, and water craft and other articles of value adrift.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "an act to amend the act regulating the taking up of animals going astray, and water crafts and other articles of value going adrift, approved February 6, 1836," be, and the same is hereby revived and declared to be in full force from and after the publication of this act. Act revived.

SEC. 2. All statutes upon the subject of taking up animals going astray, and water crafts, and other articles of value adrift, which have been enacted since February 6, 1836, are hereby repealed, except the act approved February 18, 1839; *Provided*, That no astray shall be advertised in a newspaper, unless the same is appraised to twenty dollars, and the taker up shall only be required to pay over expenses of printing of each astray taken up, fifty cents, which shall be received as a full compensation by the printer; nor shall it be necessary to publish in any newspaper, the taking up and posting any water craft, or other articles of value adrift. Repeal.  
Proviso.

SEC. 3. In case any property taken up under the provisions of this act, shall be claimed and proven by the proper owner thereof, the taker up shall be allowed a reasonable sum for keeping the same, to be determined either by a disinterested justice of the peace, or by the decision of two disinterested citizens, to be appointed by a justice; *Provided*, That where the property so taken up has been used by the taker up, or is of such class that it might have been used to indemnify the taker up for keep- Astrays to be  
advertised.  
Allowance for  
taking up.



ing the same, then no allowance for the keeping thereof shall be made.

This act shall be in force from and after its publication in the Indiana Journal and Indiana Democrat.

## CHAPTER XL.

AN ACT creating the county of Benton, and for other purposes.

[APPROVED FEBRUARY 18, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter all that part of Jasper county south of the line between township twenty-six (26) and twenty-seven (27) north, shall be and constitute an independent county, and shall be known and designated as the county of Benton.

County of Benton formed.

SEC. 2. The board of commissioners of said county shall meet at the house of Basil Tustus, and shall, if necessary, hold two extra sessions for the purpose of transacting county business.

Comm'rs may hold extra sessions.

SEC. 3. The officers of said county shall be governed by the provisions of an act entitled "an act to provide for carrying the laws into effect in new counties, approved February 17, 1838," and by the provisions of an act entitled "an act to regulate the mode of doing county business in the several counties in this State, approved February 17, 1838," as far as the same are applicable.

SEC. 4. Three-fifths of the three per cent. fund heretofore appropriated to the county of Jasper, namely, the sum of two thousand four hundred dollars, is hereby appropriated to the county of Benton, and the commissioner of the three per cent. fund of the county of Jasper is hereby directed to pay over to the commissioner of said fund of Benton county, when the said commissioner shall be duly qualified, the sum of one thousand six hundred and sixty-five dollars and eighty-two cents, if he have so much on hand, and he is hereby directed to retain that amount, or as much thereof as he may have on hand at the passage of this act, with a view to the delivery of the same to the commissioner of said fund in Benton county, and any deficiency which may exist, owing to the said fund having been expended, shall be made up out of the first moneys accruing by the three per cent. fund to the county of Jasper: *Provided,* That the commissioner

Three per cent. fund, how appropriated.

of the said fund of the county of Jasper, shall deduct from the amount which he is to pay over to the commissioner of Benton county, the amount of said fund which may have been expended within the limits of the county of Benton.

SEC. 5. The agent of the three per cent. fund of the State is hereby directed and required to pay over to the commissioner of said fund of Benton county, three-fifths of all monies which may be in, or shall hereafter be received into his hands, which would otherwise go to satisfy the aforesaid appropriation of four thousand dollars to Jasper county.

SEC. 6. The county of Benton is hereby attached to the first judicial circuit, and the circuit court of said county shall meet at the house of Basil Tustus in said county.

Attached to first circuit.

SEC. 7. The circuit court of said county shall meet on the first Wednesday succeeding the term of holding the courts in Jasper county, and the session of the circuit court in Jasper county is hereby limited to three days.

Courts, when to sit.

SEC. 8. That said county shall be attached to the senatorial district composed of the counties of Laporte, Porter, Newton, White, and Pulaski.

SEC. 9. This act to be in force from and after its passage.

## CHAPTER XLI.

AN ACT in relation to the commissioners of the college funds, in the counties of Gibson and Monroe.

[APPROVED FEBRUARY 7, 1840.]

Time of service.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time of service of the present commissioners of the reserved townships in Gibson and Monroe counties, shall terminate and cease on the 28th day of March 1840.

Comm'rs elected by joint ballot.

SEC. 2. There shall be elected by joint ballot of the two houses of the General Assembly, a commissioner of the said reserved lands, in each of said counties, who shall hold their respective offices for the term of three years; but in the event of a vacancy in either of said offices, in the recess of the General Assembly, it shall be the duty of the Governor to appoint some suitable person to fill

Commissioners give bond.



such vacancy, who shall serve as such until the close of the session of the next succeeding General Assembly.

Commrs give  
over books, &c  
to successor.

SEC. 3. That the commissioner so to be elected, or appointed, shall give bond, and take the oath of office, as prescribed in the second section of an act entitled "an act concerning the seminary townships of land in Gibson and Monroe counties, approved January 25, 1827," and said commissioners shall be governed in all respects by the laws now in force in relation to the duties of the commissioners of said reserved townships.

Auditor com-  
mence suit.

SEC. 4. That it shall be the duty of the commissioners of said reserved townships, to hand over to their successors in office, all books, papers and vouchers pertaining to their offices respectively, and to pay over forthwith to the treasurer of State, all moneys in their hands arising from the sale of lands in said townships; and on failure so to do, it shall be the duty of the auditor of public accounts to cause suit to be commenced forthwith against such delinquent commissioner and his securities, for the recovery of any moneys so detained and withheld.

## CHAPTER XLII.

AN ACT to amend the act regulating the summoning and empannelling grand and petit jurors.

[APPROVED FEBRUARY 24, 1840.]

Grand jurors to  
be recalled.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the circuit courts of this State are hereby authorized to have grand jurors (by the proper officer) recalled at any time during the session at which they were discharged, if from any occurrence, or real or supposed violation of the penal laws of this State, it is deemed necessary or right to do so.

Empannelled  
and sworn.

SEC. 2. The grand jurors recalled as is provided for in the first section of this act, shall be empannelled and sworn in the same manner, as they were when first called, empannelled and sworn, and their powers and duties shall be the same as if they had not been discharged.

This act shall be in force from and after its publication.

## CHAPTER XLIII.

AN ACT to change the time of holding courts in the several counties of the eleventh judicial circuit.

[APPROVED FEBRUARY 15, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the courts in the eleventh judicial circuit shall be holden as follows, to wit: In the county of Randolph on the first Mondays in March and September; in the county of Delaware on the third Mondays in March and September; in the county of Grant on the Mondays succeeding the courts of Delaware; in the county of Blackford on the Mondays succeeding the courts of Grant; in the county of Wells on the Mondays succeeding the courts in Blackford; in the county of Adams on the Mondays succeeding the courts of Wells; in the county of Jay on the Mondays succeeding the courts of Adams; and the courts in the counties of Randolph, Delaware, and Grant, shall sit twelve days, if business require it, at each term thereof; and in each of the other counties one week each, if the business require it.

Courts, when  
to be holden.

SEC. 2. All writs, subpoenas, venires, rules, orders of court, recognizances, and all process whatsoever, which may have issued from any circuit court in said counties, since the last sitting thereof, or which may hereafter issue, previous to the taking effect of this act, in the several counties in said circuit, shall be deemed and taken, and are hereby made returnable to the first day of the first term of the several courts to be holden by virtue of this act; and all suits, pleas, complaints, prosecutions, recognizances, actions, motions, rules, or other proceedings, or which shall hereafter be pending prior to the taking effect of this act as aforesaid, shall be taken up and acted upon at the time of such court, to be holden under this act, and be disposed of in the same manner as if no alteration had been made in the times of holding such courts.

Processes, when  
returnable.

SEC. 3. This act to take effect and be in force from and after the first Monday in June next.



## CHAPTER XLIV.

AN ACT to amend "an act to amend the several acts for the collection of the revenue, and to repeal 'an act to provide a fund to encourage common schools, approved February 2, 1832,' and 'an act in furtherance thereof, approved February 7, 1835,' approved February 18, 1839."

[APPROVED FEBRUARY 24, 1840.]

*Amendment.* SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the said act be, and the same is hereby so amended, that the penalty and the annual per centage, provided in the second section of said act, shall be reduced to twenty-five per cent; *Provided,* That in any and every case, where the person or persons in whose name or names any tract or tracts of land were assessed, shall forfeit their title to such tract or tracts, on account of non-payment to the original owner or owners, then, and in such case, the penalty and the annual per centage shall be ten per cent.

*Proviso.*

## CHAPTER XLV.

AN ACT to authorize Osborn and Chamberlain, late printers to the House of Representatives of the State of Indiana, or either of them, to sue the State.

[APPROVED FEBRUARY 18, 1840.]

*Whereas,* The House of Representatives of the present General Assembly of this State did, on the day of December last, decide that there was then no rightful printer thereof; and whereas, Osborn and Chamberlain, a firm composed of John W. Osborn and Elijah Chamberlain, still claim to be the incumbents, under a law formerly passed by the General Assembly of this State; and whereas, in making said decision, the said House does not intend to deprive any person or persons of any rights they may claim, or leave them without the means of ascertaining the validity of said claims, or enforcing the same, therefore

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the said Osborn and Chamberlain, or

either of them, be, and he or they are hereby authorized to bring suit, either in law or equity, as he or they may deem best, against the State of Indiana, in the Marion circuit court, to recover damages which he or they may have sustained in consequence of the said decision of the House as aforesaid.

SEC. 2. Process in said suit shall be served by the sheriff of the county of Marion, on the treasurer of State, in the same manner in which similar process is served in other cases; and it shall be duty of the prosecuting attorney of the fifth judicial circuit to appear to and defend said suit on behalf of the State; and the said State of Indiana, or the plaintiff in said suit, shall have the right to prosecute a writ of error, or appeal to the supreme court, from the judgment of the circuit court of Marion county.

Process, how served.

SEC. 3. Should the person or persons so suing as aforesaid, recover judgment or obtain a decree against the said State, it shall be the duty of the said treasurer of State, to pay the amount thereof and all costs thereon, on the said person or persons so suing presenting to said Treasurer a copy of said judgment or decree, duly authenticated by the clerk of said Marion circuit court.

Duty of treasurer.

SEC. 4. This act to be in force from and after its passage.

## CHAPTER XLVI.

AN ACT for the relocation of the seat of justice in the county of Lake.

[APPROVED FEBRUARY 13, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Edward Moore and Jesse Tomlinson, of Warren county, Henry Bartley of Jasper county, Joshua Lindsey and Daniel Dale, of White county, be appointed commissioners to relocate the seat of justice in Lake county, according to the manner hereafter provided.

Commissioner appointed.

SEC. 2. It shall be the duty of the sheriff of the said county of Lake, to notify the said commissioners appointed in the first section of this act, to meet at West Point, in said county, on the second Monday in June next, whose duty it shall be to attend on said day accordingly, or on any other day that a majority of said commissioners may agree on, as soon thereafter as practicable; and

Sheriff shall give notice.



after taking an oath or affirmation before some justice of the peace of said county, faithfully to discharge the duties enjoined on them by this act, to the best of their judgment and abilities, they, or a majority of them, shall proceed to relocate the seat of justice for said county, placing it at some suitable site which they may select in said county, taking into consideration the convenience and weight of the present and future population, quality of lands, the wishes of the inhabitants, if any such wish is expressed, and in every other respect said commissioners, as well as sheriff and board doing county business in said county, shall be governed by the existing law relative to establishing seats of justice in new counties, and the same proceedings had as if the seat of justice had never been located in said county.

This law to be in force and have effect from and after its passage.

#### CHAPTER XLVII.

AN ACT to amend the act to regulate general elections, approved February 17, 1838.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That any person who shall defraud, or attempt to defraud, others out of their suffrages or votes, at any township, county, or general election, by palming tickets different from the one desired, upon any voter who cannot read, or upon any other voter, intending thereby to deceive and cause such voter to cast or put in a ticket different from what he desired, shall be subject to a fine, by indictment in the circuit court, of any sum between ten and one hundred dollars for each such offence.

Penalty for deception or fraud

SEC. 2. Any inspector or judge of an election, who, whilst he is acting as such, shall fraudulently attempt to induce a voter, either by persuasion, offer of a reward, or otherwise, to vote, or cast in a ticket, different from what he intended or desired, shall be fined for each such offence, in any sum between fifty and one hundred dollars, by indictment in the circuit court.

Penalty for deception or fraud of inspectors.

SEC. 3. That the twelfth section of the act to which this is an amendment, be so far repealed as to read the

amendment.

*twenty-ninth* instead of the *nineteenth* in the last line of said section.

This act shall be in force from and after its publication.

#### CHAPTER XLVIII.

AN ACT to amend the several acts regulating the practice at law.

[APPROVED FEBRUARY 22, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the auditor of public accounts shall be made a party to any suit which may be brought on the petition of heirs or otherwise, for a decree for money paid into the State treasury, by administrators of estates without known heirs, and in all such cases it shall be the duty of the prosecuting attorney, in the circuit in which suit is brought, on petition filed, to defend the State.

This act shall take effect and be in force from and after its publication.

#### CHAPTER XLIX.

AN ACT supplemental to an act entitled "an act to amend the law concerning domestic attachment," passed at the present session, and for other purposes.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the act to which this is an amendment, as makes the bail of the defendant or defendants in such attachment, bound for the actual payment of the debt or liability, is hereby so far modified and repealed, that such bail shall be, and is only liable for the true cash value of the lands, tenements, goods and chattels, rights, credits, moneys and effects of the said defendant or defendants, which may be attached, and which would be liable to be sold upon said suit of attachment.

Bail only liable for value.



**SEC. 2.** In all cases whatever wherein the State may be a party to any suit, instituted by virtue of the act to which this is a supplement, or any other act or acts whatsoever, growing out of the State system of internal improvements, it shall and may be lawful for either party to take a change of venue from the circuit court wherein such suit may be pending, to some other, according to the provisions of the act now in force for the change of venue in other civil suits pending in the circuit courts of this State.

**SEC. 3.** That in all proceedings that have been or may be instituted by or against the State, under the act to which this is a supplement, or any act or acts that have been or may be passed on the subject of internal improvements, or in any case whatsoever, either directly or indirectly growing out of the system of internal improvements, it shall and may be lawful for the State to prosecute and defend any suit or suits in chancery, whether the same be original or auxiliary to a suit or suits at law, in the same manner, and under the same restrictions as are provided by the law regulating the practice in chancery, except so far as the same may be altered or modified by this act.

**SEC. 4.** Whenever any defendant or defendants to any such suit, shall hold a title bond or bonds to any lands on which part of the purchase money shall be unpaid, whether the same be due or not, the court trying the same, shall, on a proper case being made out, order the same to be sold on such terms as may be best for the interest of the State, and the purchaser thereof shall be bound to pay the unpaid purchase money, and assume and retain the relations of said defendant to the vendor of said land.

**SEC. 5.** In all cases, either in law or equity, that have been or may be instituted, by or against the State, growing out of all or any of the acts, whether general or special, on the subject of internal improvement, or in any wise relating thereto, in which the judgment or decree shall not have been satisfied, it shall and may be lawful for the State to appeal the same, or take the same up on writ of error to the supreme court, in the same manner and under the same restrictions now provided by law regulating such appeals and writs of error to the supreme court in other cases: *Provided, however,* That no appeal or surpetre bond shall in any case be required of the State.

**SEC. 6.** That in all judicial proceedings whatsoever, in which the State is party to a suit, it shall and may be lawful for any commissioner, engineer, agent or attorney acting on behalf of the State, to make all necessary applications, oaths and affidavits, that may be required to be made for the purpose of commencing or progressing with

When State is a party change of venue may be taken.

State may conduct suit in chancery.

Purchaser liable for unpaid purchase money.

State may appeal.

any such proceeding in the same way and manner as a party may do the same.

**SEC. 7.** It shall be, and it is hereby made the duty of the person who may be acting as the president of the board of internal improvements, or of any other person directed so to do by the treasurer of State, to institute suit upon the official bond of any person whatever who has been or may be connected with the system of internal improvement, in all cases where there may be reasonable grounds for supposing that there has been a breach of said bond.

Duty of president of board of int. impr't.

**SEC. 8.** This act to be in force from and after its passage.

## CHAPTER L.

AN ACT to amend an act for the incorporation of county libraries, approved 17th February 1838.

[APPROVED FEBRUARY 7, 1840.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the first section of the act to which this is an amendment, be, and the same is hereby so amended, as to require the sheriff of the county in which the citizens shall be desirous to incorporate a county library, shall give the first notice for the election of trustees under the provisions of said act, upon the written petition to him of twenty qualified voters of said county, for that purpose.

**SEC. 2.** This act to take effect and be in force from and after its passage.

## CHAPTER LI.

AN ACT to provide for the support of the indigent blind of this State.

[APPROVED FEBRUARY 7, 1840.]

**SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the several boards doing county business *Relative to blind persons.*



in this State, be, and the same are hereby required, upon proof satisfactory to them being adduced, that if any resident of their respective counties, has lost his or her eyesight, and is unable to support him or herself, and that he or she did not come into this State with a view of the benefit of this act, but had become blind, or had lost his or her sight, by sickness suffered within this State, to pay over to such person annually, out of the funds of their respective counties, such sum as they may deem necessary and proper, for the support of such blind person, with a view that said unfortunate persons may reside with their families, if they have any, and so avoid separation, by being sent to the county poor house.

## CHAPTER LII.

AN ACT to amend an act concerning insane persons, approved February 22, 1818.

[APPROVED FEBRUARY 12, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter when complaint shall be made to any justice of the peace in this State, upon oath, of any persons being insane and dangerous to community, by being suffered to run at large, it shall be the duty of such justice to issue a venire to some constable commanding him to summon twelve good respectable householders, to enquire into such complaint, after first having taken an oath faithfully so to do. If such jury find that such person comes within the provisions of this act, it shall be the duty of said justice of the peace to appoint some suitable person to take charge of such insane person, who for his services shall be allowed a reasonable compensation by the county commissioners of the county in which such insane person resides, to be paid out of the county treasury.

Duty of justice of the peace. SEC. 2. In all cases contemplated by the provisions of this act, it shall be the duty of the justice of the peace to certify his proceedings to the circuit court immediately, and said court shall have full power to make such further order in the premises as may be just and right.

This act to be in force from and after its passage.

## CHAPTER LIII.

AN ACT to provide for the sale of the Michigan road lands remaining unsold, and for other purposes.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Banner Lawhead, of Marion county, and Cyrus Taber, of Cass county, be, and they hereby are appointed commissioners to sell the Michigan road lands heretofore unsold.

SEC. 2. Said commissioners shall, after giving due notice thereof in at least one newspaper, published in the town of Logansport, Indiana, proceed, on or before the first Monday in September next, to sell such lands at public outcry, in the town of Logansport, to the highest bidder, for cash, as hereinafter provided. The seven hundred and thirty-nine (739) acres reported by the former commissioner of the Michigan road, as having been offered for sale, and remaining unsold, shall be sold for any sum not less than sixty-two and a half cents per acre; and any lands which the auditor of public accounts may certify to the commissioner created by this act, as not having been offered for sale and unsold, shall be sold for any sum not less than one dollar and twenty-five cents per acre.

SEC. 3. That it shall be the duty of the former commissioner of the Michigan road (Wm. Polke, Esq.) to hand over to the commissioners created by this act, all books, records, certificates, vouchers, and other information necessary to carry into effect the provisions of this act.

SEC. 4. That the auditor of public accounts shall have carefully compared, under his immediate superintendence, the original tract books and maps of Michigan road lands, with the certificates of title made by the President of the United States to the State of Indiana, to and for such lands; which certificates are now filed in the office of the Secretary of State, (and which certificates are hereby transferred to the auditor's office, to be by the auditor carefully recorded in the original tract book of the commissioner of the Michigan road) and if, upon such comparison, it shall be found that any tract or tracts thus ceded to the State, has not yet been offered for sale by the commissioner of the Michigan road, it shall be the duty of the auditor to certify the same, carefully designating each such lot by its proper number, to the commis-



sioners created by this act, to be by him sold as provided in section second of this act.

SEC. 5. That it shall farther be the duty of the auditor of public accounts, to have examined under his superintendence, the original tract books and maps of the commissioner of the Michigan road, now on file in his office, and the corresponding maps, registers and tract books kept by him, and the original certificates, register, and book of patents kept by the Secretary of State; and upon such examination and comparison, if errors are found in either, to correct such errors by the original certificate of the purchaser; and when such certificates have not been filed, then to correct any error so as to make the entries agree with the commissioner's register of sales now filed with the auditor, and to notify any person interested, who may hold a patent for tracts different from those purchased of the commissioner of such error.

SEC. 6. That all expenses incident to the examinations and comparisons required of the auditor by this act shall be paid out of the treasury, the vouchers thereof to be first submitted to the committee of ways and means of the next General Assembly.

SEC. 7. The commissioners created by this act, after paying the expenses incurred and provided to be paid by section eighth of this act, shall pay over the money received by them from sale of the lands to the treasurer of State, it is hereby made the duty of said treasurer to pay so much as he may find due, with interest, to the contractor, Andrew Wilson, of the White river bridge, and the balance (if any) to any commissioner of the Michigan road who may hereafter be appointed by the General Assembly.

SEC. 8. The commissioners created by this act shall be entitled to receive three dollars per day while actually engaged in the performance of the duties devolving upon them by virtue of this act, and all reasonable expenses incurred for advertisement, postage, proclaiming sale, and procuring and making out certificates of sale, to be paid out of the proceeds of the sale of the lands, as such claims have heretofore been paid, the vouchers to be submitted to the committee of ways and means of the next General Assembly. That the two hundred and fifty dollars heretofore allowed to Phebe Clymer, shall be refunded to the State treasury, out of the proceeds of said sales.

SEC. 9. The commissioners created by this act, and the auditor of public accounts, shall report to the next General Assembly their doings under this act.

This act to be in force from and after its passage.

## CHAPTER LIV.

AN ACT to fix the times of holding courts in the fifth judicial circuit.

[APPROVED JANUARY 30, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the courts in the county of Madison shall be held on the second Mondays of February and August; in the county of Hancock on the third Mondays of February and August; in the county of Shelby on the Thursdays succeeding the courts in Hancock; in the county of Bartholomew on the Mondays succeeding the courts in Shelby; in the county of Johnson on the Mondays succeeding the courts in Bartholomew; in the county of Morgan on the Thursdays succeeding the courts in the county of Johnson; in the county of Hendricks on the Mondays succeeding the courts in Morgan; in the county of Boone on the Mondays succeeding the courts in Hendricks; in the county of Hamilton on the Mondays succeeding the courts in the county of Boone; in the county of Marion on the Mondays succeeding the courts in Hamilton. The courts in the counties of Madison, Bartholomew, Boone and Hamilton, shall sit six days, if the business require it; in the counties of Hancock, Shelby, Johnson and Morgan, the courts shall sit nine days, if the business require it; in the county of Hendricks the courts shall sit twelve days, if the business require it; and the courts in the county of Marion shall sit as long as the business requires it.

SEC. 2. All writs, process, rules, orders, and recognizances, of what kind soever, made returnable to any of the courts aforesaid, at the times heretofore fixed for holding the sessions thereof, shall be, and the same are hereby made returnable to the first day of the terms of said court as fixed by this act.

This act to be in force from and after its passage, and shall be published in the Indiana Journal and Democrat. The Secretary of State shall forthwith transmit by mail a copy of this act, to each of the clerks of the courts aforesaid.

Madison  
Hancock  
Shelby  
Bartholomew  
Johnson  
Morgan  
Hendricks  
Boone  
Hamilton  
Marion  
Court sit six days.  
Nine days.  
Twelve days.



## CHAPTER LV.

AN ACT to amend the several acts for the promotion of schools and education in Clarke's Grant, and in reference to the school fund in Clarke county.

[APPROVED FEBRUARY 20, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the school commissioner of Clark county, in making future loans of the fund for the promotion of schools and education in Clark's Grant, shall receive for his services the same compensation, and in the same manner as provided for loaning other school funds by the 13th section of "an act incorporating congressional townships and providing for public schools therein, approved February 17, 1838."

SEC. 2. That the board doing county business in the county of Clark, shall be authorized to allow the school commissioner such compensation for services heretofore rendered by said commissioner in relation to said Grant school funds, as to said board may seem just and right, to be paid out of interest accruing on said fund.

SEC. 3. The school commissioner of said county of Clark, when estimating for distribution any school fund, shall reserve the portion which would be applicable to schools in any congressional township, or fractional township, which may not have been organized under the laws of this State, and loan the same, as other school funds; which portion and interest accruing thereon, shall be regularly entered by him to the credit of such unorganized township or fractional township, to be paid over to said township or fractional township, when organized.

SEC. 4. This act to be in force from and after its passage.

## CHAPTER LVI.

AN ACT fixing the time of holding the courts in the sixth judicial circuit.

[APPROVED JANUARY 22, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the several courts in the sixth judicial circuit, shall commence and be holden as follows: In the county of Wayne there shall be a spring, a summer, and a fall term, in each year; the first shall commence on the first Monday in March, the second on the third Monday in June, and the third on the second Monday after the commencement of the fall term in the county of Henry. In each of the other counties of said circuit, there shall be a spring and a fall term; in the county of Union, the first shall commence on the third Monday in March, and the second on the first Monday in September. In the county of Fayette, the terms shall commence on the second Mondays after the court in Union. In the county of Rush, the terms shall commence on the second Mondays after the commencement of the courts in Fayette. In the county of Henry, the terms shall commence on the second Mondays after the commencement of the courts in Rush.

SEC. 2. In the county of Wayne, at the summer term, the court shall continue in session so long as the business may require; at the fall and spring terms of the courts in all the counties of the circuit, the courts shall continue in session two weeks, if the business shall require it.

SEC. 3. The board doing county business in the county of Wayne, shall, at their next session after this act is in force, provide according to law, for the regular pannels of petit jurors, to serve for three weeks at the next summer term of their circuit court; and afterwards at the usual time for selecting jurors, said board shall select like pannels of jurors, to serve for a like number of weeks at the subsequent summer terms of said court, according to the law in such case provided.

SEC. 4. The provisions of the thirteenth section of the "act in reference to the times of holding the courts in the several judicial circuits, approved January 28, 1839," shall be deemed and taken as a part of this act. And it shall be the duty of the Secretary of State, to forward immediately to each of the clerks in the several counties of said circuit, a copy of this act. And the same shall be



in force in each county, from and after the reception of the same by the clerks.

### CHAPTER LVII.

AN ACT to amend an act entitled "an act organizing the supreme court and defining its powers and duties, approved February 17, 1838."

[APPROVED FEBRUARY 13, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That said supreme court shall hereafter commence its May session on the fourth Monday in May, and its November session on the fourth Monday of November in each year.

This act to be in force from and after its passage.

### CHAPTER LVIII.

AN ACT to amend an act entitled "an act pointing out the mode of levying taxes, and fixing the per centum for State purposes.

[APPROVED JANUARY 25, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the aforesaid act as relates to the taking the agricultural statistics, be, and the same is hereby repealed.

This act to take effect and be in force from and after its publication in the Indiana Democrat and Journal.

Repeal.

### CHAPTER LIX.

AN ACT in relation to county surveyors.

[APPROVED FEBRUARY 12, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of enabling county surveyors to govern themselves as required by law, in running division lines of lands, sold by the United States: <sup>Duty of sec. of state.</sup> It is hereby made the duty of the Secretary of State, to cause to be published, and appended to the general laws of this session, the sixth chapter of Gordon's digest of the United States, in relation to the public domain, or so much thereof as relates to the subject.

### CHAPTER LX.

AN ACT defining the boundaries of Jay county.

[APPROVED FEBRUARY 20, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that district of country which was included within the boundaries of Jay county, before the formation of the county of Blackford, be, and the same is hereby declared to be within the county of Jay, except so much as is included within the county of Blackford. <sup>Part of Jay county attach'd to Blackford.</sup>

This act to be in force from and after its passage.

### CHAPTER LXI.

AN ACT to amend the law concerning domestic attachments.

[APPROVED DECEMBER 19, 1839.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever an affidavit shall be made by any one of the members of the board of internal improve-



Substance of  
affidavit.

ments, or any other person having charge of a portion of the public works, and filed in the office of the clerk of any circuit court, setting forth the belief of such affiant, that any person who is, or has been employed as an engineer or otherwise, on any of the public works, or who is or has been a contractor on the public works, is in debt to the State, or is liable to State in damages, for any fraud or neglect of duty, and shall set forth the probable amount of such debt or liability, it shall be the duty of such clerk to issue a writ of domestic attachment, in favor of the State of Indiana, against such person's or persons' goods and chattels, rights and credits, moneys and effects, lands and tenements, and the proceedings thereon shall be governed, as to garnishees, and in all other respects, by the laws regulating domestic attachments, excepting that bond shall not in any case be required from the State, and that if the defendant or defendants in such attachment shall give bail, such bail shall be responsible for the actual payment of the debt or liability.

Bond not re-  
quired from  
state.

This act to be in force from and after its passage.

## CHARTER LXII.

AN ACT to amend act entitled "an act fixing the time of holding the courts in the fourth judicial circuit.

[APPROVED JANUARY 25, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, that so much of the act fixing the time of holding the circuit courts in the fourth judicial circuit, approved February 17, 1838, as provides for a June term of said court in Vanderburgh county, be, and the same is hereby repealed.

Repeal.

This act to be in force from and after its passage.

A joint resolution in relation to contractors and others engaged on the public works.

(APPROVED DECEMBER 21, 1839.)

Whereas, in November last the Board of Internal Improvement issued orders to the contractors on the public works, to discontinue their operations on the different lines of internal improvement; and whereas, the aforesaid board has heretofore been directed by law to retain ten per cent. until the contracts were finished, as security for the faithful performance of them; and whereas, the fund commissioners have failed to procure the funds to meet the regular estimates upon the public works. Therefore,

Relative to the  
ten per cent.  
heretofore re-  
tained.

*Be it resolved by the Senate and House of Representatives of the State of Indiana*, That the Board of Internal Improvement are hereby authorized and instructed to settle up in full with the contractors of this State at their contract prices, including the ten per cent. and other items for which they may be entitled to pay, and with other persons who have been engaged on the public works as speedily as practicable, and give them certificates of the amounts due them respectively, drawing six per cent. interest until paid: *Provided*, That in all cases the estimates as aforesaid shall be made with a view to the relative value of the whole work included in said contracts, and report to this legislature the amount thereof, noticing in the most specific manner the contracts and incidental expenses upon the Madison and Indianapolis rail road made and accruing in anticipation of the appropriation of \$400,000 granted in the act entitled "an act providing for the further construction of the Madison and Lafayette rail road," approved February 6, 1839. The amount paid upon such contracts, when and by whom paid, the amount due and unpaid upon the same and to whom, together with all other expenses incident thereto.

Authorizing the  
Board of Inter-  
nal Improve-  
ment to settle  
with contrac-  
tors.



## CHAPTER LXIII.

AN ACT to amend an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838."

[APPROVED FEBRUARY 17, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That trustees of the townships in the several counties named in the act to which this is an amendment, and all other counties to which the benefits of said act has been or may be entitled, shall each be entitled to receive as a compensation for their services the sum of one dollar for each day that they may serve as such, to be paid out of any money in the treasury of their proper townships, not otherwise appropriated; *Provided,* That the board of trustees of townships in the several counties named in this act above referred to, shall allow the township clerks such compensation as they may deem reasonable for their services.

SEC. 2. That the board of trustees of the several townships in the counties named in the act to which this is an amendment, shall have full power to hold special meetings to fill any vacancy or vacancies that may be occasioned by death, resignation, or otherwise, of any of the officers named in the act above referred to, which officers, when so appointed, shall be governed in all respects as though they had been appointed at a regular meeting.

This act to take effect and be in force from and after its publication in the Fort Wayne Sentinel, and the expense of said publication to be paid by the citizens of Fort Wayne.

## CHAPTER LXIV.

AN ACT to declare the meaning of the 29th section of an act entitled "an act to regulate the mode of doing county business in the several counties in this State, approved Feb. 17, 1838."

[APPROVED FEBRUARY 13, 1840.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the twenty-ninth section of



29th section of  
act amended.

the act above described as provides that no person shall have the right of taking any appeal from any decision of such board, unless he shall be a party to the record, or shall, by an affidavit to be made and filed by him before and with the clerk of said board, that he has a direct interest in the matter in controversy, be, and the same is hereby declared to extend to any and all persons who are, or legally become parties to said record in any stage of the proceedings or suit on which said record is founded, and to any and all other persons who shall make and file an affidavit before and with the clerk of said board, setting forth that he, she, or they have either directly or indirectly a substantial interest in the matter of controversy.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER LXV.

A JOINT RESOLUTION supplemental to a joint resolution approved December 21, 1839, entitled "a joint resolution in relation to contractors and others on the public works.

[APPROVED DECEMBER 24, 1839.]

*Be it resolved by the General Assembly of the State of Indiana,* That before any certificate or vouchers shall be issued, by any commissioner or commissioners, to a contractor or contractors upon any of the public works, the acting commissioner shall detain from the amount due them, or either of them, in accordance with their contracts and former usages, a sufficient amount to pay all that shall appear to be due the laborers and others employed upon said works, upon filing the claim, as heretofore, with said acting commissioners, and further to detain all debts, claims, orders, or dues from any of said contractors, which shall have been acknowledged to be due, and requested to be paid by them or either of them owing the same, before said commissioner, at any time before issuing their certificates or vouchers.

*Be it further resolved,* That the ten per cent. heretofore withheld from contractors on the Wabash and Erie canal, shall, as heretofore, be detained, and shall not be paid until the work contracted for shall be finished, except on such contracts, where in the opinion of the commissioner su-

Duty of commissioner.

Ten per cent.  
retained.

perintending the said work, the contractor or contractors are unable to finish or further prosecute the same, in consequence of the failure of the State to pay them estimates as heretofore.

This joint resolution to take effect and be in force from and after its passage.

## CHAPTER LXV.

A JOINT RESOLUTION in relation to contractors.

[APPROVED FEBRUARY 13, 1840.]

*Be it resolved by the General Assembly of the State of Indiana,* That the board of internal improvement be instructed to allow, on settlement with contractors, interest at the rate of six per cent. from the date thereof, on back certificates of engineers given on final estimates, and on final estimates, where no certificates of the same have been given, the engineer now certifying to such estimate. Interest allowed to contractors.

## CHAPTER LXVI.

A JOINT RESOLUTION in relation to money due in the eastern cities and States, for State bonds disposed of.

[APPROVED FEBRUARY 24, 1840.]

SEC. 1. *Be it resolved by the General Assembly of the State of Indiana,* That the security taken by the president of the State bank for State bonds, to the amount of one million dollars, entrusted to the Morris Canal and Banking Company, to raise money to increase the capital stock of the State Bank, is deemed wholly insufficient; and that unincumbered security to double the amount of said bonds should be required, and that the same should be paid in shorter periods than proposed by said company; and that it is hereby made the duty of the fund commissioners to require said additional collateral security, payment thereof, or a return of said bonds. Security insufficient.

SEC. 2. *Resolved,* That in all cases of balances due for

Additional security required.



State bonds sold by the fund commissioners for and on account of the prosecution of the public works, that payment thereof shall be urged and insisted on by the fund commissioners, and that if payment is not made, that ample unincumbered security shall be required to secure the payment thereof.

## CHAPTER LXVII.

A JOINT RESOLUTION in relation to the expenditures attendant upon the issue of treasury notes, and for other purposes.

[APPROVED FEBRUARY 24, 1840.]

*Resolved by the General Assembly of the State of Indiana,*  
That the auditor of public accounts be, and he is hereby authorized, on the filing in his office the proper vouchers for the actual expenses attendant upon the issue of the treasury notes authorized by act of the present session of the General Assembly, to audit the same, which shall be paid out of the revenue levied on account of internal improvement purposes.

Duty of auditor

That should the auditor and treasurer of State, on an examination of the State of the finances, and the probable failure in the payment of any portion of the revenue loaned out by authority of an act of the last General Assembly, become satisfied that a deficit will be likely to occur in the means to meet the ordinary expenses of the State, it shall be the duty of the auditor to withhold and reserve so much of the revenue raised from property tax as will meet such deficit.

Revenue shall be withheld.

That so much of the act for the relief of contractors, as requires the treasurer of State to disburse treasury notes to contractors and others, in the absence of the fund commissioners, shall not be so construed as to require the treasurer to perform that duty at any place other than the seat of government.

Duty of fund commissioners

That it shall be the duty of the fund commissioners to cause to be deposited to the credit of the treasurer of State, in some safe depository in New York or Philadelphia, out of the proceeds of bank debts or other securities and means of the State, an amount equal to the probable amount of State revenue, levied for the ordinary expenses of the State, which may be collected and paid into the

treasury in treasury notes. And the treasurer of State shall cause said fund to be transferred to the treasury, to be disbursed on account of the ordinary expenses of the State for 1841, in such manner as shall be prescribed by law.

That it shall be the duty of the fund commissioners, or such other officer of State as may have in charge the bonds and mortgages transferred to the State by the Lawrenceburgh and Indianapolis rail road company, forthwith to proceed to collect, by suit or otherwise, all such of said bonds and mortgages as shall have been forfeited, or may hereafter become forfeited by reason of the non-payment of the interest, or non-compliance with any other condition contained in such bonds and mortgages. *Provided, however,* That it shall be lawful for the person or persons interested in such mortgage to discharge the forfeiture incurred at any time before sale or execution, by payment of the interest due thereon, and all cost together with five per cent. damages, and in such case such mortgage may continue to run to maturity, or until some other forfeiture thereof shall occur.

Fund comm'r shall collect forfeited bonds and mortgages.

Proviso.

That in all cases where it may be thought advisable by the officer of State having charge of such bonds and mortgage, it shall be lawful for him to buy in the property to be sold on any judgment or decree rendered on any such bond or mortgage, for the benefit of the State; and the same again to sell on the same terms and conditions as is provided in the act authorizing the loaning of the seminary funds by the superintendent of the loan office.

Officer may buy in property

## CHAPTER LXVIII.

OF THE MODE OF SURVEYING THE PUBLIC LANDS.

From Gordon's Digest of the Laws of the United States, published under the provisions of an act entitled "an act in relation to county surveyors, approved February 12, 1840."

ART. 1208. The public lands lying north-west of the river Ohio and above the mouth of the river Kentucky, in which the title of the Indian tribes have been extinguished, shall be divided by north and south lines, run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of the late Indian purchase, or of tracts of



land heretofore surveyed or patented, or the course of navigable rivers, may render it impracticable; and then this rule shall be departed from no further than such particular circumstances may require. The corners of the townships shall be marked with progressive numbers, from the beginning: each distance of a mile between the said corners shall be also distinctly marked, with marks different from those of the corners. One half of the said townships, taking them alternately, shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines, at the end of every two miles; and by marking a corner, on each of the said lines, at the end of every mile; the sections shall be numbered, respectively, beginning with the number one, in the north-east section, and proceeding west and east alternately, through the township, with progressive numbers, till the thirty-sixth be completed. And it shall be the duty of the deputy surveyors, respectively, to cause to be marked, on a tree near each corner, made as aforesaid, and within the section, the number of such section, and over it the number of the township within which such section may be; and the said deputies shall carefully note, in their respective field books, the names of the corner trees marked, and the numbers so made: The fractional parts of townships shall be divided into sections, in manner aforesaid, and the fractions of sections shall be annexed to and sold with the adjacent entire sections. All lines shall be plainly marked on trees, and measured with chains, containing two perches of sixteen feet and one-half each, subdivided into twenty-five equal links, and the chain shall be adjusted to a standard to be kept for that purpose. Every surveyor shall note in his field book, the true situations of all mines, salt licks, salt springs, and mill seats, which shall come to his knowledge; all water courses, over which the line he runs shall pass; and also the quality of the lands: These field books shall be returned to the surveyor general, who shall therefrom cause a description of the whole lands surveyed, to be made out and transmitted to the officers who may superintend the sales: He shall also cause a fair plat to be made of the townships, and fractional parts of townships, contained in the said lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; a copy thereof shall be kept open at the surveyor general's office, for public information; and other copies sent to the places of the sale, and to the secretary of the treasury.

The surveyor general shall cause townships west of the

Lands to be surveyed into townships, sections, half sections, &c.

Muskingum, which, by the preceding article, are directed to be sold in quarter townships, to be subdivided into half sections of three hundred and twenty acres each, as nearly as may be, by running parallel lines through the same from east to west, and from south to north, at the distance of one mile from each other, and marking corners, at the distance of each half mile on the lines running from east to west, and at the distance of each mile on those running from south to north, and making the marks, notes, and descriptions, prescribed to surveyors by the preceding article. And the interior lines of townships intersected by the Muskingum, and of all the townships lying east of that river, which have not been heretofore actually subdivided into sections, shall also be run and marked in the manner prescribed by the said act, for running and marking the interior lines of townships directed to be sold in sections of six hundred and forty acres each: And in all cases where the exterior lines of the townships, thus to be subdivided into sections or half sections, shall exceed, or shall not extend six miles, the excess or deficiency shall be specially noted, and added to, or deducted from, the western and northern ranges of sections or half sections in such township, according as the error may be in running the lines from east to west, or from south to north; the sections and half sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats respectively, and all others as containing the complete legal quantity: And the president of the United States shall fix the compensation of the deputy surveyors, chain carriers, and axe men.

The surveyor general shall cause all those lands north of the river Ohio, which were subdivided by running through the townships, parallel lines, each way, at the end of every two miles, and by marking a corner on each of the said lines, at the end of every mile, to be subdivided into sections, by running straight lines, from the mile corners thus marked to the opposite corresponding corners, and by marking, on each of the said lines, intermediate corners, as nearly as possible equidistant from the corners of the sections on the same. And the said surveyor general shall also cause the boundaries of all the half sections, which had been purchased previous to the first day of July, 1804, and on which the surveying fees had been paid according to law, by the purchaser, to be surveyed and marked, by running straight lines from the half mile corners heretofore marked, to the opposite corresponding corners; and intermediate corners shall, at the same time, be marked on each of the said dividing lines, as nearly as



possible equidistant from the corners of the half section on the same line. And the expense of making the subdivisions above directed, shall be defrayed out of the moneys of the United States.

Boundaries and contents of sections, half sections, &c, how ascertained.

1209. The boundaries and contents of the several sections, half sections, and quarter sections, of the public lands of the United States, shall be ascertained in conformity with the following principles, any act or acts to the contrary notwithstanding:

1st. All the corners marked in the surveys, returned by the surveyor-general, or by the surveyor of the lands south of the State of Tennessee, respectively, shall be established as the proper corners of sections, or subdivisions of sections, which they were intended to designate; and the corners of half and quarter sections, not marked on said surveys, shall be placed as nearly as possible equidistant from those two corners which stand on the same line.

2d. The boundary lines, actually run and marked in the surveys returned by the surveyor general, or by the surveyor of the land south of Tennessee, respectively, shall be established as the proper boundary lines of the sections, or subdivisions, for which they were intended; and the length of such lines, as returned by either of the surveyors aforesaid, shall be held and considered as the true length thereof. And the boundary lines, which shall not have been actually run and marked as aforesaid, shall be ascertained, by running straight lines, from the established corners to the opposite corresponding corners; but in those portions of the fractional townships, when no such opposite corresponding corners have been or can be fixed, the said boundary lines shall be ascertained by running, from the established corners, due north and south, or east and west lines, as the case may be, to the water course, Indian boundary line, or other external boundary of such fractional township.

3d. Each section, or subdivision of section, the contents whereof shall have been, or by virtue of the last article, shall be returned by the surveyor general, or by the surveyor of the public lands south of the State of Tennessee, respectively, shall be held and considered as containing the exact quantity expressed in such return or returns; and the half sections and quarter sections, the contents whereof shall not have been thus returned, shall be held and considered as containing the one-half, or the one-fourth, part, respectively, of the returned contents of the section of which they make part.

In surveying and dividing the lands, by the act of the fourth of February, one thousand eight hundred and fifteen, attached to the district of Canton, the ordinary

mode of surveying the public lands shall be so far deviated from, that the boundary lines of the tracts to be laid off therein shall be run parallel to, and at right angles with, the road laid out in conformity with the treaty concluded with certain tribes of Indians, at Brownstown, in the Michigan territory, on the twenty-fifth of November, one thousand eight hundred and eight, and in every other respect the surveys shall be made in the same manner, and for the same compensation allowed for the surveying the other public lands north-west of the river Ohio.

1210. All the public lands of the United States, the sale of which is, or may be authorized by law, shall, when offered at public sale, to the highest bidder, be offered in half quarter sections; and when offered at private sale, may be purchased at the option of the purchaser, either in entire sections, half sections, quarter sections, or half quarter sections; in every case of the division of a quarter section, the line for such division shall run north and south, and the corners and contents of half quarter sections, which may thereafter be sold, shall be ascertained in the manner directed and prescribed by article 1209; and fractional sections, containing one hundred and sixty acres, or upwards, shall, in like manner, as nearly as practicable, be subdivided into half quarter sections, under such rules and regulations as may be prescribed by the secretary of the treasury; but fractional sections, containing less than one hundred and sixty acres, shall not be divided, but shall be sold entire. The foregoing provisions shall not alter any special provision made by law for the sale of land in town lots.

Quarter sections, how divided.

1211. Whenever, in the opinion of the president, a departure from the ordinary mode of surveying land on any river, lake, bayou, or water-course, would promote the public interest, he may direct the surveyor general, in whose district such land is situated, and where the change is intended to be made, under such rules and regulations as the president may prescribe, to cause the lands situated, to be surveyed in tracts of two acres in width, fronting on any river, bayou, lake, or water-course, and running back the depth of forty acres; which tracts of land, so surveyed, shall be offered for sale entire, instead of in half quarter sections, and in the usual manner, and on the same terms, in all respects, as the other public lands of the United States.

Departure from ordinary mode of survey admitted, when.

1212. Any person who shall hereafter, in any manner, by threats or force, interrupt, hinder, or prevent, the surveying of the public lands, of the United States, or any private land claim, which has, or may be confirmed by the United States, or the authority thereof, by the persons

Penalty for hindering the survey of public lands.



authorized to survey the same, in conformity with the instructions of the commissioner of the general land office, or the principal surveyors in any of the districts, in any state or territory, shall be considered and adjudged to be guilty of a misdemeanor, and upon conviction in any district or circuit court of the United States, in any state or territory, having jurisdiction of the same, shall be fined a sum not less than fifty dollars, nor more than three thousand dollars, and be imprisoned for a period of time, not less than one nor more three years.

Marshals may be ordered to protect surveyors, when.

1213. Whenever the president of the United States shall be satisfied that forcible opposition has been offered, or will likely be offered, to any surveyor or deputy surveyor, or assistant surveyor, in the discharge of his or their duties, in surveying the public lands of the United States, it shall and may be lawful for the president to order the marshal of the State or district, by himself or deputy, to attend such surveyor, deputy, or assistant surveyor, with sufficient force to protect such officer in the execution of his duty as surveyor, and to remove force, should any be offered.

Special mode of survey on line between Indiana and Illinois.

1214. The president is required to cause the public lands lying along the line of demarcation between the States of Indiana and Illinois, as established by the joint sanction of those States, to be surveyed in connection with said line on either side thereof. And the secretary of the treasury is authorized to allow for the service such further compensation, in addition to the regular price now authorized by law, as to him appears to be just and reasonable, to be paid out of the regular appropriation for surveying public lands northwest of the Ohio river.

## CHAPTER LXIX.

AN ACT to recover the value of sheep killed by dogs.

[APPROVED FEBRUARY 22, 1840.]

Relative to dogs and sheep.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That if any dog or dogs shall kill or injure any sheep hereafter, the owner or owners of any sheep so killed or injured, shall be entitled to recover of the owner or owners of the dog or dogs, the value of the sheep so killed or injured, in any court having competent jurisdiction thereof, any law, usage, or custom to the contrary

Proviso. notwithstanding; *Provided*, however, that the owner or owners of such dog or dogs, shall not be so liable, if he, she, or they, will kill said dog or dogs on the first offence.

Repeal. So much of any act or acts as comes within the purview of this act, be, and the same is hereby repealed.

## CHAPTER LXX.

AN ACT to amend an act entitled "an act concerning the seminary townships of land in Gibson and Monroe counties, approved January 25, 1837."

[APPROVED FEBRUARY 24, 1840.]

Comm'rs shall receive 4 per cent.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioners of the reserve townships of land in Gibson and Monroe counties, shall receive hereafter four per cent. upon all moneys paid over by them to the State treasurer, in conformity to the act to which this is an amendment.

Repeal.

SEC. 2. So much of the fourteenth section of an act to which this is an amendment, as conflicts with the provisions of this act, be, and the same is hereby repealed.

This act to be in force from and after its passage.

## CHAPTER LXXI.

AN ACT to amend so much of an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named, as relates to the counties of Clinton, Delaware and Hancock.

[APPROVED FEBRUARY 7, 1840.]

Repeal.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of an act providing for a more uniform mode of doing township business in the several counties therein named, as relates to the counties of Clinton, Delaware and Hancock, be, and the same is hereby repealed.

SEC. 2. That the tax levied and collected in the several



Relative to the  
tax in said  
counties.

townships in the said counties of Clinton, Delaware, and Hancock, under the act to which this is an amendment, shall be appropriated by the several boards doing county business in the several counties, for the use of said townships from which the same was so levied and collected.

This act to be in force from and after its passage.

OFFICE OF SECRETARY OF STATE,  
Indianapolis, April 18, 1840. }

I, William J. Brown, Secretary of State, do hereby certify that I have carefully compared the foregoing printed acts with the enrolled copies now on file in my office, and find the same correctly printed, except the words in brackets, [thus] which are inserted to supply evident omissions.

WILLIAM J. BROWN,  
Secretary of State.

## REPORT

OF

## AUDITOR OF PUBLIC ACCOUNTS.

NOVEMBER 15, 1839.

*Printed in accordance with an act of the General Assembly, entitled "An act to provide for the public printing," approved February 16, 1839.*

AUDITOR'S OFFICE,  
Nov. 15, 1839. }

*To the Honorable the Speaker of the*

*House of Representatives:*

Sir—Herewith I have the honor, in obedience to "An act concerning the Auditor of Public Accounts and Treasurer of State," to submit the following statements, showing the operation of this department of State for 1839.

Document marked No. 1, it will be perceived, shows the amount of receipts and expenditures from the 1st day of December, 1838, to the 31st of October, 1839; by which it will be seen that the receipts from all sources amount to \$210,118 57, and that the expenditures during the same period amount to \$179,652 25, which, taken from the receipts, leaves in the State Treasury on the 31st of October, 1839, (provided all warrants audited to that date have been paid,) the sum of \$30,466 32.

Document No. 2, is a tabular statement of the assessments made in



each county, of the State revenue due for 1839. By this will be seen the number of polls, number of acres of land, value of lands and improvements, value of all in and out town lots, the value of all corporation stock, the aggregate valuation of all other taxable property, the total valuation of all taxable property, both real and personal, with the amount of tax assessed thereon, at the rate of 30 cents on the 100 dollars, in each county in the State, for the year 1839; to which is also added columns with a view to comparison, showing the increase of value of taxables or decrease, from 1838 to 1839, and showing also by a like comparison the increase or decrease in each county of the number of taxable polls from 1838 to 1839.

It will be seen by this that the number of polls assessed in the State for 1839 is 95,291. The number of acres of land 7,475,320. The valuation of all lands and improvements amounts to \$65,954,879.

The valuation of all town lots amounts to \$14,676,372. The valuation of all corporation stock amounts to \$69,630. The aggregate valuation of all other property subject to taxation, amounts to \$23,687,534. The total value of taxable property is \$107,037,715. The total amount of State revenue assessed on polls, and real and personal property is \$363,688 08. The total value of all taxables in 1838 was \$93,206,678. The increase of value of taxables over the amount of last year is \$10,813,896. The number of polls assessed in 1838 is 88,535. The number of polls assessed in 1839 is 95,291; giving an increase of \$6,756 in taxable polls for 1839 over that of 1838.

Statement No. 3, exhibits the number of acres of land assessed in each county, the valuation thereof, and the average price per acre for the years 1838 and 1839. The object of this table is more particularly to show that counties similarly situated as to soil, advantage of public works or otherwise, vary widely in their valuation, and that no certain or fixed rule obtains in any county as to the value of its lands. Hence, as was recommended last year, it will be seen that justice to those counties where fair valuations are made, requires as the only possible remedy, a State board of equalization.

Statement No. 4, exhibits the total valuation of all taxable property. The amount assessed for internal improvements, and the average amount assessed to each tax payer, in each county, for the year 1839, for internal improvement purposes alone.

By this it will be seen that the value of all taxable property for 1839, is \$107,037,715. The amount assessed for internal improvement purposes alone is \$321,113 14. The number of polls for 1839 is 95,291, and the average amount assessed on each tax payer in the State is \$2,69½ for 1839.

From the amounts assessed, should be deducted about twenty per cent. for commission for collecting, delinquencies, &c. which will leave the probable amount to be realized for internal improvements \$256,891.

Statement No. 5, exhibits the estimated quantity of land in the State to which the Indian title is extinguished, (except that part re-

cently purchased in the great Miami reserve,) the quantity sold, and the quantity remaining unsold, up to the 1st September, 1838, as per report of Commissioner of General Land Office. Also the the quantity assessed for taxation in 1839; the quantity which should have been taxed for 1839; the quantity neglected or omitted to be taxed for 1839; the value of lands not assessed, though taxable for 1839, at the average price per acre of \$8 72, and also the amount of taxes lost on lands alone by reason of negligence or omissions of county officers.

By this table it will be seen that the estimated quantity of land in the State to which the Indian title is extinguished, (Miami Reserve excepted,) is 20,457,394 acres. The quantity of public lands sold at the land offices, up to the 1st September, 1838, is 14,257,557 acres. The quantity remaining unsold up the 1st September, 1838, at the land offices, is 6,199,837 acres. The quantity of land assessed in the State for 1839, for taxation, according to the clerk's certificate of assessment, (except Dubois and Huntington counties, from which no returns have as yet been received,) is 7,475,320 acres. The quantity of land which should have been assessed in 1839 is estimated at 8,922,122. Consequently the quantity which has escaped taxation by reason of the negligence or omissions of the proper county officers for 1839, is 1,416,802 acres; and the value of the lands thus neglected to be assessed for 1839, at the average price of the valuations for the State, (\$8,72,) is \$12,616,113; being a clear loss of that amount in the assessment for 1839.

Statement No. 6, is an exhibit of the amount which has been realized, by taxation for internal improvement purposes, during the years 1837, '38 and '39. Also, the average amount paid by each tax payer during these years for internal improvements.

By this it will be seen, that in 1837, there was raised by taxation for internal improvement purposes \$40,000; there being that year 82,921 polls, makes the average amount paid that year by each poll, for internal improvement purposes 48½ cents.

In 1838, there was raised by taxation for internal improvement purposes \$38,000; which gives the average amount paid by each poll 42½ cents.

In 1839, the number of taxable polls is 95,291. The amount to be paid for internal improvement purposes (\$256,891) giving the average amount to each tax payer for 1839, at \$2 69½.

Also, it will be seen, that for the three last years the average amount paid by each tax payer has been \$1 25½; and that the total amount thus raised in three is \$334,891.

In addition to the foregoing, the auditor herewith submits the following statements in relation to the expenditures and receipts of our public works from their commencement to the 30th of November, 1838, (the date of the last Report of the Internal Internal Improvements to this office); which statements are numbered from 7 to 19.

Statement No. 7, is an exhibit of the total cost of the Wabash and Erie canal, and the amount received from that source.



The total cost, as will appear by reference to the table, is \$1,507,397 89. The amount of receipts \$288,433 64.

The number of acres of Wabash and Erie Canal lands sold, 260,873 29. The amount for which they sold \$551,336 46. The amount received in payment of lands (exclusive of interest,) is \$177,724 91. The balance due and bearing six per cent. interest, is \$373,611 55. The average price per acre for which these lands sold is \$2 11 $\frac{1}{2}$ .

Statement No. 8, is an exhibit of the cost of the Central Canal. By this it will be seen that the whole cost of the Indianapolis and Northern Division, viz. extending from Martinsville to the Wabash and Erie Canal, is \$436,103 53; and the cost of the Southern Division, viz. from Martinsville to Evansville, is \$231,347 43; making the total cost of the Central Canal \$666,000 96.

Statement No. 9, is an exhibit of the cost of the Wabash Canal, viz. from mouth of Tippecanoe river, (or near there) to Terre Haute.

By this statement it will be seen that the Wabash Canal between these points has cost \$190,482 02.

Statement No. 10, is an exhibit of the whole cost of the Eel River Cross Cut Canal, including its feeder. By this statement it will be seen to have cost \$241,548 30.

Statement No. 11, is an exhibit of the whole cost of the White Water Canal, showing, as will appear by reference to the table, to have cost \$543,666 18.

Statement No. 12, is an exhibit of the cost of the Erie and Michigan Canal, showing its cost to be \$16,242 65.

Statement No. 13, is an exhibit of the whole cost of the Indianapolis and Madison Rail Road; by which it appears to have cost \$974,518 42.

Statement No. 14, is an exhibit of the amount expended on the Lafayette and Indianapolis Turnpike Road; from which it appears to have cost \$7,700 61.

Statement No. 15, is an exhibit of the amount expended on the Jeffersonville and Crawfordsville Turnpike Road. Its cost, it will be seen, is \$159,839 16.

Statement No. 16, is an exhibit of the cost of the New Albany and Vincennes Turpike Road. By this it will be seen to have cost \$302,126 22.

Statement No. 17, is an exhibit of the cost of the improvements made on the Grand Rapids of the Wabash River. The amount expended, it will be seen is \$5,960 61.

Statement No. 18, is the amount of General Contingent Expenses of the Board of Internal Improvements, and which were not applicable to any particular work, but to the whole system. This amounts to \$27,767 71.

Statement No. 19, is a recapitulation of the cost of each work, and exhibits the total cost of the public works, with the amount received from the Wabash and Erie Canal.

By this it will be seen that the public works in Indiana, up to 30th

November, 1838, have cost \$4,644,150 73; and that the amount of receipts is \$288,433 64.

In conclusion, I would respectfully suggest that, that part of the existing law relative to tolls, and the manner of accounting for them by the toll gatherers, should undergo a revision. A system should be devised to produce a perfect accountability; and it should be made the duty of some one to insure the prompt paying over of the moneys thus collected, at least quarterly.

All of which is respectfully submitted.

MORRIS MORRIS, A. P. A.



## No. 1.

A STATEMENT of the receipts and expenditures on account of  
ber, 1839, (both inclusive) made in pursuance of "an act concern-

## RECEIPTS.

There was remaining in the Treasury on 1st December, 1838, provided all warrants were paid, -			\$23,465 53
Rec'd at the Treas. on ac't of rev. for 1837,	\$	52 45	
" " " 1838,	161,182 26		
" " " 1839,	2,387 00		
		163,621 71	
" of agent of State for Indianapolis,	237 50		
" Commissioner of Michigan road,	536 85		
" " College lands,	2,314 00		
" " Saline lands,	1,666 62		
		4,754 97	
" from estates without heirs, -	231 99		
" Incidental sources, -	134 00		
" Lawrenceburgh and Indianapolis Rail Road Company, -	434 21		
		800 20	
" from borrowers of Saline fund (refunded)	330 00		
" " " College funds "	7,404 50		
" " " Treasury loans "	250 00		
		7,984 50	
" for interest on treasury loans, -	2,916 70		
" interest on college loans, -	4,541 47		
" interest on saline loans, -	2,033 49		
		9,491 66	
Making the total amount of receipts, with cash on hand, December 1, 1838,			\$210,118 57

## No. 1.

the State of Indiana, from the 1st day of Dec. 1838 to 31st of Octo-  
ber, 1839, (both inclusive) made in pursuance of "an act concern-

## EXPENDITURES.

Since the 1st Dec., 1838, there have been audited claims against  
the State, as follows:

For public printing, stationery, distributing laws, and journals, &c. -	\$17,793	
For expenditures of last General Assembly -	42,562 12	\$60,361 05
" Salaries of executive officers, -	2,716 66	
" " Prosecuting attorneys, -	1,552 57	
" " Supreme and circuit judges -	11,774 55	
" " Probate judges, -	3,072 00	
" " Adj't & qr. master generals, -	190 25	
" " State geologist, -	1,833 22	
		21,139 25
For expenses of State House -	1,042 10	
" " State lib. -	437 50	
" " State prison, -	1,065 36	
" " Michigan road, -	486 85	
		3,031 81
On account of specific appropriations; -	8,369 18	
" " Wolf scalps, -	335 00	
" " School money refnd to counties, -	311 62	
" " Estates claimed by heirs, -	1,037 07	
" " Contingent expenses, -	1,059 66	
		11,112 53
" " Seat of government, -	36 87	
" " Militia fines, (conscientions) -	7 00	
" " Lawrenceb'gh & Indpl's R. R. Co. -	434 21	
" " Saline lands, -	216 44	
" " State University -	1,749 59	
" " Internal improvement, -	38,000 00	
		40,443 11
" " Loans of State Treasury -	29,167 00	
" " " " University fund, -	11,197 50	
" " " " Saline fund, -	3,200 00	
		43,564 50
Making the total amount of expenditures, -		179,642 25
To which the balance in the treasury on this day, provided all warrants audited were paid, -		30,466 32
		\$210,118 57



## STATEMENT No. 3,

Exhibiting the number of acres of land assessed in each county, the valuation thereof, and the average price per acre, for the years 1838 and 1839.

NO. OF COUNTY	NAME OF COUNTY.	1838. NO. OF ACRES.	1838. VALUE OF LAND.	1838. AV. PRICE PER ACRE.	1839. NO. OF ACRES.	1839. VALUE OF LAND.	1839. AV. PRICE PER ACRE.	REMARKS.
1	Allen	26,080	\$425,157	\$16	32,615	\$269,845	\$8	
2	Adams	3,231	22,860	7	5,396	34,564	6	
3	Bartholomew	89,139	881,635	10	88,752	1,069,789	12	
4	Boone	65,280	459,295	7	97,173	534,360	5	
5	Brown	2,186	10,850	5	3,509	18,950	5	
6	Clark	207,178	1,716,619	9	192,536	1,596,400	8	
7	Clay	18,473	154,640	7	25,298	160,178	6	
8	Crawford	35,357	164,220	5	33,000	192,917	5	
9	Carroll	86,718	691,572	7	111,287	772,643	6	
10	Cass	23,392	225,970	10		306,978	8	
11	Clinton	114,490	754,485	7	13	843,284	6	
12	Dearborn	212,283	2,264,870	10	207,106	2,547,755	11	
13	Decatur	105,743	1,050,704	10	117,062	1,309,195	11	
14	Daviess	67,346	376,569	5	61,467	356,788	5	
15	Dubois	21,960	112,453	5				No return for 1839.
16	Delaware	44,325	413,653	9	64,781	567,671	8	
17	Dekalb				40	290	7	
18	Elkhart	41,628	405,858	10	57,314	429,999	7	
19	Fayette	132,796	1,900,091	14	128,321	2,181,868	17	
20	Floyd	70,953	1,084,309	15	67,519	1,065,545	15	
21	Franklin	147,547	1,632,865	11	151,549	2,083,168	13	

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22	Fountain	167,616	1,843,751	11	176,235	1,693,535	9	
23	Fulton	12,315	86,500	7	11,875	76,882	6	
24	Gibson	98,145	698,486	7	109,510	841,798	7	
25	Greene	50,291	252,322	5	50,364	280,453	5	
26	Grant	17,205	169,087	9				
27	Hamilton	71,461	604,320	8	87,161	889,637	10	
28	Harrison	189,413	966,892	5	190,787	1,010,184	5	
29	Hendricks	135,776	1,025,565	8	145,144	1,164,706	7	
30	Henry	153,826	1,662,430	11	170,371	1,811,045	10	
31	Hancock	61,469	531,020	8	95,455	633,505	6	
32	Huntingdon	9,378	39,670	4				No return for 1839.
33	Jackson	99,573	636,280	6	90,103	582,981	6	
34	Jefferson	155,865	1,748,579	11	162,440	1,931,896	11	
35	Jennings	74,878	555,885	7	71,650	585,595	8	
36	Johnson	113,407	820,219	7	125,511	1,009,143	8	
37	Jasper	2,535	21,625	8	4,470	34,167	7	
38	Jay	283	1,800	8	1,248	6,849	5	
39	Knox	157,761	1,028,740	7	160,486	1,045,648	6	
40	Kosciusko	3,568	17,760	5	7,615	43,365	5	
41	Lawrence	142,992	1,055,169	7	152,016	1,455,199	9	
42	Lagrange	1,864	24,815	13	21,212	87,821	4	
43	Laporte	79,822	793,914	10	92,339	869,958	9	
44	Lake	8,695	57,104	7	9,269	33,333	3	
45	Madison	44,823	397,123	9	73,425	787,427	10	
46	Marion	181,546	2,157,304	12	208,850	2,544,724	12	
47	Martin	16,609	70,613	4	22,239	110,227	4	
48	Monroe	102,221	618,841	6	119,085	562,584	4	
49	Montgomery	260,239	2,189,821	8	270,894	2,306,954	8	
50	Morgan	97,103	820,558	8	113,771	992,278	8	

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NO. OF COUNTY	NAME OF COUNTY.	1838. NO. OF ACRES.	1838. VALUE OF LAND.	1838. AV. PRICE PER ACRE.	1839. NO. OF ACRES.	1839. VALUE OF LAND.	1839. AV. PRICE PER ACRE.	REMARKS.
51	Miami	12,213	124,269	12	21,264	149,127	7	
52	Marshall	11,342	89,592	8	19,085	107,692	5	
53	Noble	6,180	56,000	9	10,214	54,849	5	
54	Orange	147,879	641,661	4	111,020	740,968	6	
55	Owen	61,106	424,122	7	64,068	457,270	7	
56	Parke	166,614	1,423,087	8	167,977	1,494,740	8	
57	Perry	35,276	304,487	9	37,569	333,650	8	
58	Pike	33,671	209,953	6	34,871	232,227	6	
59	Posey	107,705	765,875	7	114,020	813,323	7	
60	Putnam	164,133	1,127,498	7	174,772	1,524,422	8	
61	Porter	2,559	20,855	10	11,972	100,490	8	
62	Randolph	72,820	450,289	6	81,866	633,725	7	
63	Ripley	104,734	711,651	7	112,409	790,109	7	
64	Rush	233,748	2,386,733	11	219,387	2,719,646	12	
65	Scott	55,617	253,789	5	60,311	281,665	4	
66	Shelby	155,216	1,220,245	8	163,154	1,358,835	8	
67	Spencer	41,886	341,333	8	49,713	364,142	7	
68	Switzerland	111,851	1,206,560	11	114,393	1,061,681	9	
69	St. Joseph	84,885	721,930	9	91,812	856,355	9	
70	Sullivan	78,618	451,298	6	93,703	464,999		{ No. of acres and value of land not given by clerk of Steuben.
71	Steuben	640	9,360	14				
72	Tippecanoe	204,403	1,985,553	10	222,878	1,858,272	8	
73	Union	99,493	1,125,479	11	100,236	988,167	9	
74	Vanderburg	40,420	519,026	13	45,171	537,250	11	
75	Vermillion	85,264	595,038	7	82,415	642,823	7	

76	Vigo	120,054	1,172,029	10	125,442	1,555,558	12	
77	Warrick	32,928	226,463	7	35,785	239,653	6	
78	Washington	198,294	1,361,117	7	193,198	1,602,504	8	
79	Wayne	235,455	3,180,792	14	244,567	3,287,772	13	
80	Warren	91,160	643,006	7	107,197	826,466	7	
81	White	12,172	71,674	6	16,861	114,170	6	
82	Wabash	23,117	97,048	4	30,783	249,317	8	
83	Whitley	640	1,920	3	1,520	6,720	4	
84	Wells	1,575	7,101	5	3,161	15,320	4	
		7,071,207	60,611,509		7,475,320	65,954,879		



## STATEMENT No. 4.

Exhibiting the total amount of taxable property, the amount assessed for Internal Improvement purposes alone, the number of polls, and the amount assessed on each poll for Internal Improvement purposes, in each county, for the year 1839.

No. of county.	County.	1839. Total value of all taxa- ble property	1839. Am't ass'd for internal improve'ts.	1839. No. of Polls.	Average amount assessed on each poll for int. imp't. purposes.
1	Allen	\$749,588	\$2,248 76	744	\$3 02
2	Adams	59,168	177 50	295	60
3	Bartholomew	1,539,519	4,618 55	1,196	3 89
4	Boone	739,642	2,218 93	1,094	2 03
5	Brown	66,390	199 17	273	72
6	Clark	2,409,460	7,228 38	1,744	4 16
7	Clay	295,941	887 82	657	1 35
8	Crawford	351,205	1,053 61	592	1 76
9	Carroll	1,128,608	3,885 81	1,361	2 85
10	Cass	731,846	2,195 54	876	2 50
11	Clinton	1,112,820	3,338 46	1,074	3 10
12	Dearborn	4,014,232	12,042 69	2,638	4 11
13	Decatur	1,757,561	5,272 68	1,459	3 58
14	Daviess	607,998	1,825 60	847	2 03
15	Dubois				
16	Delaware	877,914	2,633 74	1,164	2 24
17	Dekalb	10,570	31 53	240	13
18	Elkhart	709,307	2,165 20	1,077	2 10
19	Fayette	3,023,602	9,070 81	1,580	5 73
20	Floyd	3,048,945	9,146 84	1,312	6 20
21	Franklin	2,889,494	8,668 48	2,018	4 24
22	Fountain	2,370,952	7,112 85	1,885	3 71
23	Fulton	135,555	406 66	282	1 44
24	Gibson	1,472,413	4,417 24	1,373	3 21
25	Green	542,160	1,626 48	1,021	1 58
26	Grant	470,249	1,411 05	666	2 05
27	Hamilton	1,216,762	3,650 29	1,542	2 72
28	Harrison	1,419,147	4,257 44	1,636	2 60
29	Hendricks	1,595,679	4,787 04	1,499	3 18
30	Henry	2,269,925	6,808 77	1,868	3 64
31	Hancock	833,402	2,500 20	1,013	2 46
32	Huntington				
33	Jackson	882,232	2,646 70	1,100	2 40
34	Jefferson	4,382,204	13,146 61	2,447	5 37
35	Jennings	1,065,138	3,195 41	1,113	2 87
36	Johnson	1,376,078	4,128 23	1,223	3 37
37	Jay	58,019	174 06	416	41

## STATEMENT No. 4.—Continued.

No. of county.	COUNTY.	1839. Total value of all taxa- ble property	1839. Am't ass'd for int. im- provements.	1839. No. of Polls.	Average amount assessed on each poll for internal imprv't purposes.
38	Jasper	78,596	\$ 235 79	178	\$1 31
39	Knox	2,128,672	6,386 02	1,498	4 26
40	Kosciusko	146,228	438 68	579	75
41	Lawrence	2,268,155	6,804 46	1,652	4 11
42	Lagrange	913,586	580 76	668	87
43	Laporte	1,454,935	4,364 80	1,581	2 88
44	Lake	86,588	259 76	270	96
45	Madison	1,130,625	3,391 87	1,444	2 34
46	Marion	4,610,763	13,832 29	2,406	5 74
47	Martin	221,076	663 23	580	1 14
48	Monroe	1,012,580	3,037 74	1,157	2 62
49	Montgomery	3,050,027	9,163 58	2,104	4 35
50	Morgan	1,428,856	4,286 57	1,496	2 87
51	Miami	336,180	1,008 46	468	2 15
52	Marshall	173,309	519 93	279	1 86
53	Noble	118,233	354 70	469	75
54	Orange	1,272,332	3,816 99	1,425	2 53
55	Owen	747,369	2,242 11	986	2 27
56	Parke	2,020,426	6,061 28	1,756	3 45
57	Perry	552,635	1,657 90	648	2 55
58	Pike	487,514	1,462 54	765	1 91
59	Posey	1,350,953	4,052 86	1,266	3 20
60	Putnam	2,265,920	6,797 76	2,070	3 29
61	Porter	241,001	723 00	385	1 00
62	Randolph	795,603	2,386 81	1,283	1 86
63	Ripley	1,039,957	3,119 87	1,420	2 19
64	Rush	3,456,481	10,369 44	2,188	4 73
65	Scott	409,346	1,228 03	630	1 94
66	Shelby	1,718,479	5,155 44	1,703	3 02
67	Spencer	596,989	1,790 97	819	2 18
68	Sullivan	782,371	2,347 11	1,080	2 19
69	Switzerland	1,465,698	4,397 09	1,359	3 23
70	St. Joseph	1,582,490	4,747 47	1,118	4 24
71	Steuben	51,557	154 67	369	40
72	Tippecanoe	3,178,472	9,535 42	2,547	3 74
73	Union	1,368,299	4,104 90	1,025	4 00
74	Vanderburg	1,547,360	4,642 08	1,055	4 40
75	Vermillion	1,126,086	3,378 26	1,262	2 64
76	Vigo	3,369,409	10,108 23	2,014	5 01



## STATEMENT No. 4.—Continued.

No. of county.	COUNTY.	1839. Total value of all taxable property	1839. Am't ass'd for int. im- provements.	1839. No of polls.	Average amount assessed on each poll for internal improv't purposes.
77	Warrick	\$439,166	\$1,317 50	855	\$1 54
78	Washington	2,553,873	7,661 62	2,073	3 66
79	Wayne	5,165,258	15,495 77	3,390	4 57
80	Warren	1,166,686	3,500 05	850	4 00
81	White	179,308	537 92	265	2 02
82	Wabash	392,844	1,178 59	303	3 88
83	Wells	34,956	103 86	197	52
84	Whiteley	26,644	79 93	155	50
		107,037,715	321,113 14	95,291	

STATEMENT No. 5—Exhibiting the estimated quantity of land in the State to which the Indian title is extinguished, (except the Miami reserve,) the quantity sold, and the quantity remaining unsold up to 1st of September 1838, as per Report of Commissioner of General Land Office. Also, the quantity assessed for taxation in 1839; the quantity which is taxable in 1839; the quantity neglected or omitted to be assessed for taxation in 1839. The value of lands not assessed, though taxable, for 1839, at the average price per acre of \$8 72. and the amount of taxes lost on lands alone, by reason of the negligence or omissions of county officers.

Estimated quantity of land in the State, to which the Indian title is extinct, except the Miami reserve.	Quantity of public lands in the State, sold, to the first September, 1838.	Quantity remaining unsold on the first September, 1838.	Quantity of land taxed in the State in 1839.	Quantity of land taxable, and which should be assessed in 1839.	Quantity of land neglected or omitted to be taxed for 1839.	Value of land not taxed, and which should have been; at \$8 72 per acre on the average for 1839.	The amount of taxes lost to the State in lands alone, at 30cts. on the \$100 for 1839.
ACRES.	ACRES.	ACRES.	ACRES.	ACRES.	ACRES.	\$	\$
20,457,394	14,257,557	6,199,837	7,475,320	8,922,122	1,446,802	12,616,113	37,848

The number of acres sold in 1835 and taxable in 1840,	\$1,586,904
The number of acres sold in 1836 and taxable in 1841.	3,249,210
The number of acres sold in 1837 and taxable in 1842,	1,249,818
The number of acres sold in 1838 and taxable in 1843,	320,641 up to 20th September 1838.

Making total of land sold by general government and by the State, and which will be taxable in 1843,	15,328,695
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# STATEMENT No. 6,

Of the amounts realized from taxation for Internal Improvements from the first assessment, 1837, to and including 1839. Also the number of polls and the average amount paid by each poll in each of the years for Internal Improvements.

The Year.	The total amount realized from taxation for internal improvements from 1837 to 1839.	The number of polls assessed in the State.	The amount paid, (averaged) by each tax payer.	REMARKS.
In 1837	\$40,000	82,921	\$ 48 $\frac{1}{2}$	The valuations for 1839 amount to \$107,037,745, from which is deducted 20 per cent. for commission, delinquencies, &c; leaving the probable amount for internal improvements, as stated, at \$256,891.
In 1838	38,000	89,837	42 $\frac{1}{2}$	
In 1839	256,891	95,291	2 69 $\frac{1}{2}$	
Total	\$334,891			

NOTE. The average amount paid by each tax payer in the State for 1837, 1838, and 1839, is \$1 25 $\frac{1}{2}$ .



STATEMENT No. 7—Exhibiting the Expenditures and Receipts  
date of the last Report of Board of

YR.	NATURE OF EXPENDITURE.	AMOUNT.	AMOUNT.
1829	To amount of specific appropriation for survey and examination	\$ 1,740 06	\$1,740 06
1830	To amount of incidental expenses, including survey of line, selecting and selling lands	4,472 47	4,472 47
1831	To incidental expenses, including pay of commissioners and expenses of stationary, &c.	1,401 63	1,401 63
1832	To incidental expenses of every kind	5,103 45	
"	" amount paid for construction	2,094 00	7,197 45
1833	To expenses incident to construction	6,570 54	
"	" " incident to sale of lands	824 75	
"	" amount paid for construction	66,746 13	74,141 42
1834	To incidental expenses of every kind	11,008 13	
"	" amount paid for construction	148,971 08	159,979 21
1835	To incidental expenses of every kind	15,972 13	
"	" damages paid for right of way	875 00	
"	" am't paid for sites for water power	600 00	
"	" " construction	319,119 63	336,566 76
1836	To incidental expenses of every kind	16,952 72	
"	" damages paid for right of way	283 00	
"	" am't paid for construction	300,934 89	
"	" " repairs	2,959 03	321,120 64
1837	To incidental expenses of every kind	16,712 16	
"	" am't paid for construction	265,161 75	
"	" " repairs	2,873 38	284,747 29
1838	To incidental expenses of every kind	15,917 02	
"	" am't paid for construction	280,454 94	
"	" " right of way	200 00	
"	" " repairs	19,450 00	316,021 96
Total expenditures on W. & E. canal			1,507,397 89

on account of the Wabash and Erie Canal, up to Nov. 30, 1838, the  
Internal Improvement to this office.

YR.	NATURE OF RECEIPT.	AMOUNT.	AMOUNT.
<i>Wabash and Erie Canal.</i>			
1829	No receipts.		
1830	By cash from sales of canal lands	\$24,849 59	
"	" cash for interest in advance	2,771 46	\$ 27,621 05
1831	By cash for interest on W. & E. C. lands	2,575 97	
"	" " final payments on land	1,712 56	4,288 53
1832	By cash for sales of canal lands	13,152 99	
"	" " interest in advance on sales	4,655 78	
"	" " final payments on lands	1,049 71	18,857 48
1833	By cash for sales of canal lands	12,013 45	
"	" " interest on lands	6,466 97	
"	" " final payment on lands	1,162 38	19,642 80
1834	By cash for sales on canal lands	20,673 69	
"	" " interest on sales of lands	9,454 31	
"	" " final payments on lands	2,503 50	32,631 50
1835	By cash for sales of canal lands	49,004 90	
"	" " interest on lands	17,259 68	
"	" " final payments	7,778 23	74,042 81
1836	By cash for incidental rec'ts (refunded)	90 00	
"	" " trespassing on canal	18 00	
"	" " sales of lands	26,882 32	
"	" " interest on canal lands	21,278 94	
"	" " final payments	5,022 97	53,292 23
1837	By cash refunded, incidental and construction	150 00	
"	" " sales of land	4,501 64	
"	" " interest on canal lands	22,070 44	
"	" " final payments on lands	3,479 57	30,201 65
1838	By cash for interest on canal lands	21,130 21	
"	" " sales of canal lands	1,173 85	
"	" " final payments	2,757 56	
"	" " tolls	2,487 97	27,855 59
Total of receipts from W. & E. Canal			\$288,433 64



## Recapitulation of

## Expenditures:

Amount of incidental expenses from			
1828 to 1838, - -	\$96,675 06		
" construction account (same time) 1,383,482 42			
" paid for right of way, do do	1,358 00		
" sites for water power, do do	600 00		
" repairs - - do do	25,282 41		
	<u>\$1,507,397 89</u>		

## General Summary in relation to the Wabash and Erie Canal Lands.

Year.	No. of acres sold up to 30th Nov. 1838.	Amount for which they sold up to 30th Nov. 1838.	Amount paid by purchasers for canal lands up to Nov. 30, 1838.	Balance due on canal lands up to 30th No- vember, 1838.	Average price per acre for which canal lands sold.
	A. H.	\$ C.	\$ C.	\$ C.	
1830	41,931.41	71,038 85	24,849 59	44,476 70	
1831			1,712 56		
1832	15,758.87	47,961 33	14,202 70	33,758 63	
1833	17,710.97	42,559 64	13,175 83	29,783 81	
1834	33,575.84	72,814 65	23,177 19	49,637 46	
1835	93,413.16	188,374 11	56,783 13	131,590 98	
1836	55,452.51	105,649 29	31,905 29	73,744 00	
1837	2,163.26	18,006 22	7,981 21	10,025 02	
1838	867.27	4,532 37	3,937 41	594 96	
	<u>260,873.29</u>	<u>551,336 46</u>	<u>177,724 91</u>	<u>373,611 55</u>	<u>2 11 1/2</u>

## Statement No. 7.

## Receipts:

Amount received from sales of lands from	
October 1830 to 30th Novem- ber 1838, both inclusive,	\$177,724 96
" for interest during same period,	107,962 76
" incidental receipts (moneys refunded)	240 00
" for trespassing on canal,	18 00
Total receipts from W. & E. Canal	<u>\$285,945 67</u>
To which add tolls for 1838, not officially reported to Auditor,	2,487 97
Total of receipts of every kind up to Nov. 30, 1838,	<u>288,433 64</u>



# STATEMENT No. 8.

Exhibiting the whole cost of the Central Canal, up to the 30th November, 1838.

Yr.	Expenditures on Indianapolis and Northern Division.	Dolls.	Cts.	Dolls.	Cts.	Yr.	Receipts fr. Indianapolis Division.	Dls	cts
1835	For expenses of survey			5,315	31				
1836	For incidental expenses in survey, &c.	\$3,909	40						
"	For expenses of survey in 1835, paid in 1836		339 00						
"	For expenses of Fall Creek survey		1,235 41						
"	For sites for water power at Indianapolis		3,234 00						
"	For construction of canal		1,171 99	9,889	80	1837	By amount refunded in construction account,	-	500 00
1837	For incidental expenses		9,484 88				Total receipts from Indianapolis division,	-	500 00
"	For construction of canal		219,508 71	228,993	59				
1838	For incidental expenses		11,100 88						
"	For construction of canal		176,954 26						
"	For damage for right of way		3,849 69	191,904	83				
	Total of cost of Indianapolis and northern division,			436,103	53				

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	Expenditures on Southern Division.	Dolls.	Cts.	Dolls.	Cts.		Receipts from Southern Division.	Dls	c.s.
1835	For expenses of survey,			5,315	31				
1836	For expenses of survey in 1835, but paid in 1836,		339 00						
"	For incidental expenses in survey, &c.		2,457 35						
"	For site for water power,		100 00						
				2,896	35				
1837	For incidental expenses,		8,013 59			1837	By amount refunded in incidental account,	-	50 00
"	For construction of canal,		91,489 00						
				99,502	59				
1838	For incidental expenses,		7,224 67						
"	For construction of canal,		116,408 51	123,633	18				
	Total cost of Southern division,		231,347 43						
	Total cost of Central canal to November 30, 1838,			667,450	96		Total receipts from Central canal	550	00
	Deduct amount refunded, paid improperly,				550 00				
	Making the amount of actual cost,			666,900	96				

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# STATEMENT No. 9,

Exhibiting the whole cost of the Wabash Canal, up to November 30, 1838.

Yr.	EXPENDITURES.			Yr.	RECEIPTS.
1835	For incidental expenses of survey		\$3,171 00	1838	By error in incidental account of
1836	“ incidental expenses,	\$1,722 32		1837,	\$00 59
	“ construction of canal,	4,537 00	6,259 32		
1837	“ incidental expenses,	2,226 99			
	“ construction of canal,	75,930 90	78,157 89		
1838	“ incidental expenses,	3,919 54			
	“ construction of canal,	91,052 86			
	“ damages paid for right of way	7,922 00	102,894 40		
			190,482 61		
	Deduct error incidental account		59		
	of 1837,				
	Total expended on Wabash ca-		190,482 02		
	nal W. of Tippecanoe,				

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# STATEMENT No. 10,

Exhibiting the whole cost of the Eel River Cross-Cut Canal.

Yr.	EXPENDITURES.			Yr.	RECEIPTS.
1835	For incidental expenses of first		\$1,316 56	1837	By error in settlement in 1836, (in-
	survey,			cidental,) . . .	\$00 50
1836	“ incidental expenses in loca-		3,146 16		
	ting,				\$00 50
	“ incidental expenses,	\$8,479 76			
1837	“ construction of canal,	72,819 70	81,299 46		
	“ incidental expenses,	6,080 90			
1838	“ construction of canal,	149,705 72	155,786 62		
			241,548 80		
	Deduct error in incidental ac-		50		
	count, 1836,				
	Total expended on Eel River		241,548 30		
	Canal,				

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# STATEMENT No. 11.

Exhibiting the whole cost of the White Water Canal, up to November 30, 1838.

Yr.	Expenditures on White Water Canal.	Dolls.	Cts.	Dolls.	Cts.	Yr.	Receipts from W. W. Canal.	Dols.	Cts.
1834	For incidental expenses in survey			994	81	1838	By amount refunded, error in incidental expenses,	00	06
1836	For incidental ex. in survey &c.			4,644	97		Total of error in incidental account,	00	06
1837	For incidental expenses in construction, &c.	11,510	35						
"	For construction of canal,	217,043	06	228,553	41				
1838	For incidental expenses	7,238	81						
"	For construction of canal,	302,284	24	309,523	05				
				543,666	24				
	Deduct error in incidental acc't.				06				
	Total expended on W. W. canal			543,666	18				

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# STATEMENT No. 12.

Exhibiting the whole cost of the Erie and Michigan Canal, up to November 30, 1838.

Yr.	Expenditures.	Dolls.	Cts.	Dolls.	Cts.	Yr.	Receipts.	Dls	Cts	Dls	Cts
1836	For incidental expenses in survey,			3,691	77						
1837	For incidental expenses in survey,			7,073	06						
1838	For incidental expenses in survey,			5,477	82						
	Total cost of Erie and Michigan canal,			16,242	65						

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# STATEMENT No. 13.

Exhibiting the whole cost of the Indianapolis and Madison Rail Road.

Yr.	Expenditures.	Dolls.	Cts.	Dolls.	Cts.	Yr.	Receipts.	Dls.	Cts.	Dls.	Cts.
1835	For incidental expenses of 1st survey				4,914 75						
1836	For incidental expenses in locating	5,654	58								
"	For construction of road, -	7,785	00	13,439	58						
1837	For incidental expenses in loca-										
	ting, &c. -	7,542	41								
"	For construction of road -	337,905	94			1838	By amount of error in			00	10
"	For damages for right of way, -	620	00	346,068	35		incidental for 1837,			00	10
1838	For incidental expenses, -	9,214	70								
"	For construction of road, -	470,697	40								
"	For rail-road iron for road, -	123,683	74								
1839	For locomotive for road, -	6,500	00	610,095	84						
	Deduct for error in incidental ex-			974,518	52						
	penses, 1837, -				10						
	Total expended on Madison and			974,518	42						
	Indianapolis road, -										

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# STATEMENT No. 14,

Exhibiting the whole cost of the Lafayette and Indianapolis Turnpike Road, up to November 30, 1838.

YEAR.	EXPENDITURES.	YEAR.	RECEIPTS.
1835	For incidental expenses of survey, \$3,909 25		
1837	" incidental expenses, - 1,087 22		
1838	" incidental expenses, - 2,704 14		
	Total expended on this road to		
	30th November, 1838, - 7,700 61		

# STATEMENT No. 15,

Exhibiting the whole cost of the Jeffersonville and Crawfordsville Turnpike Road, up to November 30, 1838.

YEAR.	EXPENDITURES.	YEAR.	RECEIPTS.
1835	For incidental expenses of first survey,		\$7,815 00
1836	" incidental expenses, . . .		3,866 02
1837	" incidental expenses, . . . \$9,703 69		
"	" construction of road, . . . 83,085 30		
			92,788 99
1838	" incidental expenses, . . . 7,283 75		
"	" construction of road, . . . 48,085 40		
			55,369 15
	Total expended up to Nov. 30, 1838, .		159,839 16

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### STATEMENT No. 16.

Exhibiting the whole cost of the New Albany and Vincennes Turnpike Road, up to Nov. 30, 1838.

YEAR.	EXPENDITURES.	YEAR.	RECEIPTS.
1835	For incidental expenses in first survey, . . . . .		
		\$ 6,014 50	
1836	" incidental expenses, . . . . .	4,262 34	
1837	" incidental expenses, . . . . .	\$9,204 07	
"	" construction of road, . . . . .	160,447 57	1837 By error in incidental account in 1836, . . . . . \$ 00 50
		169,651 64	
1838	" incidental expenses, . . . . .	8,010 14	
"	" construction of road, . . . . .	114,188 10	
		122,198 24	
	Deduct for error in incidental in 1836, . . . . .	302,126 72	
		50	
	Total expended on this work up to Nov. 30, 1838, . . . . .	302,126 22	

### STATEMENT No. 17.

Exhibiting the whole cost of the Improvements of Grand Rapids of the Wabash River, up to November 30, 1838.

YEAR.	EXPENDITURES.	YEAR.	RECEIPTS.
1837	For incidental expenses, - . . . . .	\$807 34	
1838	" incidental expenses, - . . . . .	\$1,060 27	
"	" construction of work, . . . . .	4,093 00	
		5,153 27	
	Total expended on Grand Rapids	5,960 61	

### STATEMENT No. 18.

Of the amount expended for general contingencies applicable to whole system, and not included in the expenses of any particular work, up to 30th of November, 1838.

YEAR.	EXPENDITURES.	YEAR.	RECEIPTS.
1836	For general contingent expenses, . . . . .	\$3,626 75	
1837	" general contingent expenses, . . . . .	15,221 22	
1838	" general contingent expenses, . . . . .	10,219 74	1837 By error in contingent account for 1836, . . . . . \$1,300 00
		29,067 71	
	Deduct error in contingent account, 1836, - . . . . .	1,300 00	
	Total expended for general contingencies, . . . . .	27,767 71	



# STATEMENT No. 19.

Being a recapitulation of the cost of the Public Works, up to 30th of November, 1838.

Total cost of Wabash and Erie Canal,	per No. 7	\$1,507,397 89	
" " Central Canal,	8	666,900 96	
" " Wabash Canal,	9	190,482 02	Total of receipts from Wa-
" " Eel River Cross-cut Canal,	10	241,548 30	bash and Erie Canal,
" " White Water Canal,	11	543,666 18	\$288,433 64
" " Michigan and Erie Canal,	12	16,242 65	<u>\$288,433 64</u>
" " Indianapolis and Madison R. Road,	13	974,518 42	
" " Lafayette and Indianapolis Turnpike,	14	7,700 61	
" " Jeffersonville and Crawfordsville Road,	15	139,839 16	
" " New Albany and Vincennes Road,	16	302,126 22	
" " Grand Rapids of Wabash,	17	5,960 61	
" " General contingent account,	18	27,767 71	
Total cost of public works to November 30, 1838,		4,644,150 73	



## DOCUMENT No. 2.

Tabular statement of the assessment made in the respective counties, of State Revenue due for 1839.

Name of counties.	Number of acres assessed.	Value of lands and improvements.	Value of town lots.	Value of corporation stock.	Value of all other personal property.	Total valuation of all taxables, 1839.	Amount of tax on property and polls.	Total valuation of all taxables in 1839.	Increase of value of taxables since 1838.	Decrease of value of taxables since 1838.	No. of polls in 1838.	No. of polls in 1839.	Increase of polls since 1838.	Decrease of polls since 1838.
Allen	32,615	269,845	242,960	33,434	203,349	749,588	2,620 76	958,831						
Adams	5,396	34,564	1,359		23,245	59,168	325 00	42,589	16,559	209,243	784	744		40
Bartholomew	88,752	1,069,789	101,570		368,159	1,539,519	5,216 55	1,346,169	193,350		213	295	82	
Boone	97,173	534,360	57,340		147,942	739,642	2,765 93	686,780	53,862		1,196	1,195	4	
Brown	3,509	18,950			47,440	66,390	335 67	50,830	15,556		1,023	1,094	71	
Clark	192,536	1,596,400	356,625	33,350	423,085	2,409,460	8,100 38	2,639,592			263	273	10	
Clay	25,298	160,178	15,839	350	119,575	295,941	1,216 32	239,046	56,895	230,132	1,691	1,744	53	
Crawford	33,000	192,917	42,068	350	115,870	351,205	1,349 61	339,720	17,479		620	657	37	
Carroll	111,287	772,613	87,776	25	286,159	1,128,608	4,066 31	1,130,788			548	592	44	
Cass	39,336	306,978	261,210		163,658	731,846	2,633 54	636,623	95,223	2,180	1,254	1,361	107	
Clinton	130,184	843,284	78,140		191,396	1,112,820	3,875 46	1,033,442	79,378		810	876	66	
Dearborn	207,106	2,517,755	607,935	193,896	664,640	4,014,232	13,361 69	3,482,128	532,104		973	1,074	101	
Decatur	117,062	1,309,195	146,658		301,708	1,758,561	6,002 18	1,568,598	188,963		2,503	2,638	155	
Daviess	61,467	356,788	54,639		196,571	607,998	2,249 10	639,221			1,443	1,456	16	
Dubois										31,238	925	847		78
Delaware	64,781	567,671	92,141		218,102	877,914	3,215 74	633,067	244,847					
DeKalb	40	290			10,280	10,570	151 53	9,702	868		992	1,164	172	
Elkhart	57,314	429,999	116,426		175,308	709,307	2,473 70	705,174	4,133		212	240	28	
Fayette	128,321	2,181,868	201,867	5,678	634,185	3,023,602	9,949 15	2,622,793	400,809		975	1,077	102	
Floyd	67,519	1,065,545	1,410,363		567,037	3,048,945	9,802 84	2,841,031	209,914		1,368	1,588	220	
Franklin	151,549	2,083,168	223,681	246	569,759	2,889,494	9,677 48	2,303,930	285,564		1,366	1,312		54
Fountain	176,235	1,693,535	202,976	1,250	473,191	2,370,952	8,055 35	2,413,729			1,825	2,018	193	
Fulton	11,875	76,882	17,442		41,321	135,555	547 66	143,000		42,777	1,718	1,885	157	
Gibson	109,510	841,798	87,557	8,226	534,832	1,472,412	5,103 24	1,235,014	247,339	7,445	201	282	81	
Green	50,364	280,453	21,382	1,912	238,412	542,100	1,626 48	428,778	113,382		1,202	1,372	170	
Grant						470,349	1,754 05	290,933	179,416		850	1,023	173	
Hamilton	87,161	889,637	79,653		247,473	1,216,762	4,321 29	868,943	347,819		595	686	91	
Harrison	190,787	1,010,284	91,495		317,468	1,419,147	5,075 44	1,359,197	59,950		1,165	1,262	97	
Hendricks	145,114	1,164,706	96,048		334,925	1,595,679	5,536 54	1,447,897	147,782		1,587	1,636	49	
Henry	170,371	1,811,045	134,734		324,146	2,269,925	7,742 77	2,091,963	177,992		1,539	1,999		40
Hancock	95,457	633,505	57,305		142,592	833,402	3,006 70	728,876	104,526		1,874	1,868		6
Huntington											975	1,013	38	
Jackson	90,107	582,981	53,387		245,864	882,232	3,196 70	990,943						
Jefferson	162,410	1,931,896	1,518,320	98,000	833,989	4,382,204	14,370 10	3,952,649	429,555	108,711	1,158	1,100		58
Jennings	71,650	585,595	102,645	7,257	369,641	1,065,128	3,751 91	870,404	194,734		2,445	2,447	2	
Johnson	125,510	1,009,143	62,831		304,301	1,376,078	4,739 72	1,244,893	131,185		1,031	1,113	82	
Jay	1,240	6,849			51,170	58,019	382 06	25,627	32,392		1,227	1,223		4
Jasper	4,470	34,167			53,923	78,596	424 79	63,522	15,074		357	416	59	
Knox	160,480	1,045,648	477,225	79,250	526,549	2,128,672	7,125 02	1,967,604	161,068		99	178	79	
Kosciusko	7,610	43,365	1,665		101,198	146,228	728 18	131,548	14,680		1,353	1,498	145	
Lawrence	152,010	1,455,199	139,505	33,855	639,590	2,268,155	7,630 46	1,591,600	676,495		551	579	28	
Lagrange	21,215	87,821	18,386		87,379	193,580	914 76	178,563	15,021		1,625	1,652	27	
Laporte	92,339	869,958	244,771	3,000	337,206	1,454,935	5,312 34	1,462,118			600	668	68	
Lake	9,260	33,323	13,355		39,911	86,588	394 76	139,871		7,251	1,403	1,718	315	
Madison	73,420	787,427	84,964		258,234	1,130,625	4,113 87	601,241	529,383	53,290	320	270		50
Marion	208,800	2,544,724	1,376,382	127,335	562,322	4,610,763	15,035 29	4,005,590	605,173		875	1,444	569	
Martin	22,239	110,227	16,252		94,958	221,076	953 23	187,704	33,376		2,300	2,406	97	
Monroe	119,085	562,584	132,000		317,996	1,012,580	3,616 24	967,650	44,921		480	580	100	
Montgomery	270,894	2,306,954	248,360		494,774	3,050,027	10,284 58	2,279,161	770,860		1,232	1,157		75
Morgan	113,771	992,278	122,159	2,750	311,669	1,428,850	5,034 57	1,227,758	201,098		2,051	2,104	53	
Miami	21,264	149,127	49,217		137,837	336,180	1,242 46	285,280	50,200		1,394	1,496	102	
Marshall	19,085	107,692	28,768	169	36,680	173,309	659 43	166,930	6,379		377	468	91	
Noble	10,214	54,840	4,784		58,609	118,233	589 20	113,177	5,056		284	279		5
Orange	111,020	740,968	82,664	750	447,950	1,272,332	4,529 49	1,134,663	137,669		337	469	132	
Owen	64,068	457,270	52,740	4,682	232,677	747,269	2,735 11	686,687	60,682		1,315	1,425	110	
Park	167,977	1,494,740	99,735		425,931	2,020,426	6,939 28	1,986,477	33,949		945	936	41	
Perry	37,569	333,650	49,276		169,709	552,635	1,981 90	524,636	27,999		1,732	1,756	24	
Pike	34,871	232,227	50,470		204,811	487,514	1,845 04	393,789	93,725		640	648		1
Posey	114,020	813,327	197,304		340,320	1,350,953	4,685 86	1,314,077	36,876		582	765	183	
Putnam	174,772	1,524,422	166,833	250	474,415	2,265,920	7,832 76	1,643,597	622,323		1,210	1,266	56	
Porter	11,972	100,490	1,100		140,411	240,001	915 50	104,058	136,943		1,990	2,070	74	
Randolph	84,866	633,725	46,067		115,811	795,603	3,028 31	592,983	202,620		520	385		135
Ripley	112,409	790,108	49,167		200,681	1,039,957	3,829 87	962,390	77,567		1,198	1,283	85	
Rush	219,387	2,719,640	86,902	9,447	640,401	3,456,481	10,369 44	3,113,879	342,611		1,217	1,420	203	
Scott	60,311	281,665	20,498		107,183	409,346	1,543 04	377,620	31,726		2,120	2,188	68	
Shelby	163,154	1,358,865	73,171		286,443	1,718,479	6,006 94	1,571,576	146,903		586	630	44	
Spencer	49,713	364,142	51,335		181,547	596,989	2,258 59				1,659	1,703	44	
Sullivan	93,703	464,999	51,500	2,192	263,680	782,371	2,887 11	770,127	12,244		819			
Switzerland	114,393	1,061,681	148,038		255,979	1,465,698	5,076 59	1,661,060		195,362	964	1,080	116	
St. Joseph	91,812	856,235	381,000	46,450	298,805	1,582,490	5,306 47	1,325,944	256,546		1,320	1,359	39	
Steuben						51,557	339 17	49,836	1,721		1,151	1,118		75
Tippecanoe	222,878	1,858,272	568,062	109,618	642,520	3,178,472	10,808 92	3,355,043			370	369		7
Union	100,236	988,167	47,831	670	331,631	1,368,299	4,616 90	1,509,083		176,571	2,320	2,547	227	
Vanderburgh	45,171	537,250	704,860		305,250	1,547,360	5,213 55	1,485,889	69,471	140,784	1,024	1,025	1	
Vermillion	82,415	642,823	124,747		345,392	1,126,086	4,009 26	1,052,249	73,837		836	1,055	219	
Vigo	125,442	1,555,558	988,386	38,950	786,515	3,369,409	11,145 78	2,537,013	832,396		1,312	1,262	1	50
Warrick	35,785	239,653	36,921	838	161,755	439,166	1,747 50	421,438	17,728		1,812	2,014	202	
Washington	193,198	1,602,504	203,464	7,400	740,505	2,553,873	8,690 12	2,261,202	292,671		848	855	7	
Wayne	244,567	3,287,772	689,982	18,050	1,169,454	5,165,258	17,190 77	4,928,187	237,071		1,962	2,073	111	
Warren	107,197	816,466	65,119		275,101	1,166,686	3,925 05	945,862	220,824		3,144	3,390	246	
White	16,861	114,170	2,068		63,069	179,308	670 42	136,660	42,648		763	850	87	
Wabash	30,783	249,317	48,587		94,763	392,844	1,330 90	197,632	195,212		294	265		29
Wells	3,161	15,320	446		19,190	34,956	202 37	17,402	17,554		246	303	57	
Whitley	1,520	6,720			19,924	26								



ANNUAL REPORT  
OF THE  
TREASURER OF STATE.

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NOVEMBER 1, 1839.

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*To the Hon. Speaker of the House of Representatives:*

Herewith are transmitted, to be laid before the House of Representatives, 1st. The Treasurer's Report of the general state of the Treasury; 2d. The Loan Office Report; Statement A, presenting the operations of that department in reference to the College Fund; Statement B, the Saline Fund; Statement C, the Congressional Township Fund; and Statement D, the State Bank School Fund; the items of the Contingent Fund; a bill of the purchase and cost of stationary.

N. B. PALMER, Treasurer of State.  
Indianapolis, Nov. 1, 1839.



TREASURY DEPARTMENT,  
Indianapolis, November 1, 1839.

The Treasurer of State, in obedience to the directions of the "Act concerning the Auditor of Public Accounts, and Treasurer of State," submits the following report of the receipts and expenditures of the State, and the operations of the Loan office, &c., from the 1st December, 1838, to the 31st October, 1839, both inclusive.

There was a balance remaining in the Treasury on the close of the last financial year of	\$23,471 53
Receipts during the fiscal year from Revenue of	
1837, - - - - -	52 45
1838, - - - - -	161,182 26
1839, - - - - -	2,387 00
From sales of Michigan road lands, - - - - -	536 85
" " lots, &c. at Indianapolis, - - - - -	237 50
" " estates without known heirs, - - - - -	231 99
" " incidental sources, - - - - -	134 00
" " interest on Treasury Loans, - - - - -	2,916 70
" " Treasury Loans refunded, - - - - -	250 00
" " Lawrenceburgh and Indianapolis Railroad Company, - - - - -	434 21

The receipts and credits in the college branch of the Loan Office Department have been:

From Commissioner of reserve township in Monroe county, - - - - -	1,814 00
From Commissioner of reserve township in Gibson county, - - - - -	500 00
From loans refunded, - - - - -	7,404 50
From interest on loans, - - - - -	4,541 47
	<hr/> 14,259 97

The amount paid into the Treasury of Saline Fund, appertaining to the Loan Office, has been:

From Commissioner of Saline lands in Orange county, - - - - -	1,359 15
do do Washington county, - - - - -	211 49
do do Monroe " - - - - -	95 98
From loans refunded, - - - - -	330 00
" interest on loans, - - - - -	2,033 49
	<hr/> 4,030 11
	<hr/> \$210,124 57

The expenditures during the same period, have been:

Pay and mileage of members of the Legislature, including officers, - - - - -	\$42,562 12
Printing and stationary, - - - - -	17,798 93
Specific appropriations, - - - - -	8,369 18
Contingent expenses, - - - - -	1,059 66
Premium on wolf scalps, - - - - -	335 00
Pay of Probate Judges, - - - - -	3,078 00
" Executive officers, - - - - -	2,716 66
" Judges of Supreme and Circuit Courts, - - - - -	11,774 55
" Circuit Prosecutors - - - - -	1,552 57
" Adjutant and Quarter Master Generals, - - - - -	190 25
Payments on account of State House - - - - -	1,042 10
" " State Prison, - - - - -	1,065 36
" " State Library, - - - - -	437 50
" " Michigan Road, - - - - -	486 85
School moneys refunded, - - - - -	311 62
Seat of government, - - - - -	36 87
Estates refunded, - - - - -	1,037 07
Geological survey, - - - - -	1,833 22
Internal improvements, - - - - -	38,000 00
Conscientious fines distributed - - - - -	7 00
Treasury loans, - - - - -	29,167 00
Fund commissioners, being Lawrenceburgh and Indianapolis Railroad loans refunded, - - - - -	434 21

The disbursements on account of the college branch of the loan office have been:

Payments on account of Indiana University, including incidental expenses of loan office, - - - - -	1,749 59
Loans of college fund, - - - - -	11,197 50
	<hr/> 12,947 09

Payments and liabilities on account of Saline fund subject to the loan office laws, are:

Loans of Saline fund, - - - - -	3,200 00
Saline fund expenses, - - - - -	215 44
	<hr/> 3,415 44
Balance on hand, October 31, 1839, - - - - -	30,466 32
	<hr/> \$210,124 57



*Estimated condition of the Treasury for 1840.*

The probable means of the treasury applicable to the ordinary expenses of the State for 1840, may be estimated as follows, viz:

Balance in the treasury on the 1st day of	
November, 1839, - - -	\$30,466 32
Revenue of 1839 from poll tax - -	45,000 00
Amount of treasury loans, which will probably be refunded in the course of the current year - - -	28,917 00
Sale of lots in Indianapolis - -	4,000 00—\$108,383 32

*The liabilities and expenditures for the same period, may be estimated as follows, to wit:*

Unaudited and other claims which will be due at the treasury, at the close of the present quarter, Nov. 30, 1839, - - -	14,000 00
Salaries of Judges and Prosecutors - - -	17,500 00
Salaries of Executive officers - - -	3,500 00
Printing—Stationary—Binding, and distributing the Laws - - -	15,000 00
Expenses of Legislature, including Officers and Attendants - - -	40,000 00
Contingent and Specific appropriations - -	6,000 00
Probate Judges - - -	3,200 00
State Prison - - -	1,200 00
State Library - - -	350 00
Adjutant and Quarter Master Generals - -	150 00
State House - - -	1,200 00
School moneys to be refunded - -	200 00
Seat of Government, (including library fund)	1,760 00
Estates without heirs, to be refunded - -	1,073 00
Conscientious fines to be distributed - -	536 00
Revenue of 1839, subject to be drawn by Fund Commissioners - - -	2,387 00—\$108,056 00

Leaving an estimated balance in the treasury on the 1st of December, 1840 of \$327 10.

The foregoing exhibits and estimates show that the payments into the treasury during the financial year 1839, (up to the 31st October,) amounted to \$210,124 57, and that the disbursements during the same period, have been \$179,658 25; leaving a balance in the treasury on the 1st November, 1839, of \$30,466 32.

The schedule of estimates for 1840, exhibits the probable means of the treasury for that year, including the above balance, and all anticipated payments from other sources, applicable to the ordinary expenses of the State, at \$108,383 32.

The expenditures and liabilities of the State coming within the scope of the ordinary expenses, for the same period, are estimated

at \$108,056 00; which will leave in the treasury at the close of the year 1840, (supposing the claims on the treasury then due shall have been paid,) the sum of \$327 32.

In the estimates of the receipts and disbursements for 1839, in my last annual report, it was anticipated that there would be a balance in the treasury at the close of 1839, of only \$990 15; but those estimates were based upon the supposition that the sum of \$40,000, (being the product of five cents on the \$100 of the property tax,) would be appropriated to the payment of interest on improvement loans; but it being left in the treasury, has of course, swelled the balance on hand, as now exhibited, much above the estimate of last year.

I again recur, with pleasure, to the prompt collection and faithful payment into the treasury of the public revenue, by the several collectors. An apprehension was expressed in my last report, that, owing to the then embarrassed condition of the country, the collection of the revenue would be more tardy and incomplete than had thereunto been usual, but fortunately it resulted in as prompt and complete collection as had been done in any previous year. But in the present revulsion and derangement in relation to money matters, and the general pressure, which every where seems to bear with peculiar severity upon the community, it is greatly to be feared that the apprehensions intimated last year, will be fully realized the present, in relation to the collection of the revenue; more especially as the amount to be collected the present, is nearly double that of last year.

If however, the difficulty here apprehended be verified at the period when it shall become the duty of collectors to make their payments into the treasury, by a failure to collect any considerable portion of the revenue, the legislature will be advised of the extent, and such other matters connected therewith, as will enable the General Assembly to provide for the contingency in such manner as it may deem most appropriate.

The assessments the present year show an increase, both in the number of polls and the amount of taxable property, indicating a continuance of our usual prosperity and growth, both in population and wealth, notwithstanding the pecuniary embarrassments which seem to bear so heavily upon the country.

It will be seen that the nett revenue from polls the present year, is estimated at \$45,000. This amount, together with the balance in the treasury, and the amount out on loan, will barely defray the ordinary expenses of the State for the year 1840. It will be incumbent upon the General Assembly to provide some additional means, beyond the poll tax, for the support of the government for the year 1841. The nett amount of revenue which may be expected from the poll tax in 1840, (and upon which the support of the government for 1841 must rely,) cannot exceed \$50,000. There is now no provision by law for any other means to defray the expenses of 1841, which (if strict economy be observed,) may be estimated at \$95,000, leaving a deficit, to be otherwise provided for of \$45,000.

As the expenses of 1841, must necessarily rest upon the revenue



assessed and collected in 1840, the prospective provisions required to meet this estimated deficit of 1841, will seem to require the attention of the General Assembly during its present session.

As the subject of the payment of the interest on the public debt, belongs to another department, I refrain from making any remarks in relation thereto.

Under the acts of the last session of the General Assembly, loans have been made of funds belonging to the treasury proper, to the amount of \$29,167, at one year, and at ten per cent interest. There has also been received from the State Bank of Indiana \$9,321 13 of the fund arising from the annual tax of 12½ cents on each share of bank stock for the support of common schools. This amount together with the interest, has been loaned under the provisions of the act for loaning the College funds. A schedule of the names of the borrowers of each of these funds is herewith appended.

The operations in the several departments of the Loan office, continue to be safe and successful, but some tardiness in payment of interest has recently occurred, although no sales for non-payment have yet been found necessary the present year.

The payments on account of the State House, and incidental expenses of the last General Assembly, liquidated and paid under the provisions of the act of 1837, amount to about \$650 00, a schedule of which will accompany my report in relation to the State House.

All of which is respectfully submitted,

N. B. PALMER,  
Treasurer of State.

#### STATEMENT A.

##### COLLEGE FUND.

Report of the operations of the College Fund from the 1st December, 1838, to the 31st October, 1839.

##### RECEIPTS.

Amount received from William Alexander, Commissioner of Reserve Township, in Monroe county,	1,814 00
Amount received from James Smith, Commissioner of Reserve Township in Gibson county	500 00
Loans refunded	7,404 50
Interest on Loans	4,541 47
Amount over Loaned	402 54
	<hr/>
	\$14,662 51

#### CONTRA.

Amount over loaned in 1838,	1,715 42
Amount of loans as per list accompanying	11,197 50
State University, including incidental expenses,	1,749 59
	<hr/>
	\$14,662 51

#### STATEMENT B.

##### SALINE FUND.

Report of the operations of the Saline Fund from the 1st December, 1833 to the 31st October, 1839.

##### RECEIPTS.

Amount received from Andrew Wilson, Commissioner of Saline Lands in Orange county	1,359 15
Amount received from Henry Young Commissioner of Saline Lands in Washington county	211 49
Amount received from Milton McPhetridge, Commissioner of Saline Lands in Monroe county	95 98
Loans refunded	330 00
Interest on loans	2,033 49
	<hr/>
	\$4,030 11

#### CONTRA.

Amount over loaned in 1833,	234 96
Amount of loans as per list accompanying	3,200 00
Saline fund expenses,	215 44
Cash on hand,	379 71
	<hr/>
	\$4,030 11

#### STATEMENT C.

##### CONGRESSIONAL TOWNSHIP FUND.

Report of the operations of Congressional Township Fund, from the 1st December 1838 to the 31st October, 1839.

##### RECEIPTS.

Cash on hand at last report,	204 46
Interest on loans,	143 32
	<hr/>
	\$347 78



## CONTRA.

Amount paid Trustees in Ripley county	68 82
Amount of loans,	148 00
Incidental expenses,	9 82
Cash on hand,	121 14
	<u>\$347 78</u>

## STATEMENT D.

## STATE BANK SCHOOL FUND.

Report of the operations of the State Bank school fund, from the 1st December, 1838 to the 31st October, 1839.

## RECEIPTS.

Amount received from the State Bank,	9,321 13
Interest on loans,	922 50
Amount over loaned,	6 37
	<u>\$10,250 00</u>

## CONTRA.

Amount of loans as per list accompanying,	10,250 00
---	-----------

Contingent expenses from 1st of December 1838 to October 31st 1839.

Paid John Cain, for postage,	87 42
" J. A. Matson, commissioner for running the boundary line between this and the State of Ohio,	195 18
" J. M. Wallace private secretary of Governor	50 00
" B. Brown, extra services as Sergeant-at-Arms of the H. R. 1838,	40 00
" W. F. Reynolds, for enclosing Tippecanoe Battle Ground,	48 25
" S. C. Stevens, counsel in the Saline land suit in Dearborn county,	2,15 00
" J. Morrison, counsel in relation to the L. and I. R. R. Company,	20 00
" J. Kelly, repairs on Governor's circle,	50
" M. T. Miller, 2 years subscription for Bicknell's Reporter for use of Treasurer's office,	6 00
" L. C. Lewis, for recording deed,	1 00
" J. Cain, for postage,	82 53
" Espy and Sloan, furniture for auditor's office,	14 00

Paid Morris, Hazlett & co. stationary for Auditor's office	13 13
" S. S. Rooker, repairs on Governor's Circle	1 12
" Rowlett's interest tables for Treasurer's office	5 00
" Allen and Stadts, repairs on Governor's Circle	1 31
" J. Cain, for postage	113 41
" W. Bowen, for transportation	3 18
" W. Tate, storage of public arms	23 20
" J. Cain, for postage	115 81
" W. Parker, repairs on Governor's House	1 50
" C. Williams, for map frames	18 00
" B. Allee, repairs on Governor's Circle	2 12

\$1,059 66

Amount paid by the Treasurer for stationary, carriage, &c., from December 1st, 1838, to October 31st, 1839.

Bought of the Richmond Trading and Manufacturing Co.

200 Reams of Royal, No. 3, a	4 00	800 00
" 1 " " No. 1, a	5 00	5 00
" 80 " Post No. 1, a	3 75	300 00
" 20 " Fancy Post, a	4 75	95 00
" 20 " Post No. 1, a	4 50	90 00
" 20 " Cap No. 1, a	3 25	65 00
Transportation of same		67 42
301 Reams Royal No. 3, a	4 00	1,204 00
Transportation of same,		78 26

Bought of Sheets & Grover,

367 Reams Royal No. 3, a	4 00	1,468 00
" 61 " Envelope a	5 00	305 00
Transportation of same		111 61



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